



**Food and Agriculture
Organization of
the United Nations**



**World Health
Organization**

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**CL 2010/43-AFRICA
September 2010**

TO: Codex Contact Points
Interested International Organizations

FROM: Secretariat, Codex Alimentarius Commission

SUBJECT: **Request for comments on matters referred from the 64th session of the Executive Committee and the 33rd Session of the Commission**

- i) **Strategic Plan 2008-2013;**
- ii) **Private standards;**
- iii) **Processed Cheese**
- iv) **Revised Strategic Plan 2013 – 2018**
- v) **Codex Trust Fund**

for consideration by the 19th Session of the FAO/WHO Coordinating Committee for Africa (Accra, Ghana, 1 – 4 February 2011)

DEADLINE: **30 November 2010**

COMMENTS:	<u>To:</u> Secretariat Codex Alimentarius Commission FAO/WHO Food Standards Programme Viale delle Terme di Caracalla 00153Rome, Italy Fax: +39 06 5705 4593 E-mail: codex@fao.org (<i>preferably</i>)	<u>With a copy to:</u> Codex Contact Point Ghana Standards Board Ghana Fax: +233 21 500092 Email: codex@ghanastandards.org (<i>preferably</i>)
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(i) STRATEGIC PLAN 2008-2013¹

Goal 4: Promoting Cooperation between Codex and other relevant international organizations and Goal 5 (Promoting Maximum and Effective Participation of Members)

Activity 4.5 “Promote interdisciplinary coordination at the national and regional level”

Description: Encourage Codex member countries to establish effective mechanisms within their own countries so that horizontal coordination and communication occurs among national delegates to various food-standards-related international organizations. Invite members to develop evaluation criteria to assess the success of the mechanisms that they have established and report progress in this activity through their respective Codex Regional Coordinating Committees to the CAC.

The 64th Session of the Executive Committee, while noting that Activity 4.5 was completed in 2009, recommended that it should be continued and that the questionnaire sent in 2008 on interdisciplinary coordination at the national and regional level should be circulated again for consideration by the forthcoming sessions of Coordinating Committees.

Goal 5: Promoting maximum and effective participation of members

Activity 5.5 Enhance participation of non-governmental organizations at international, regional and national levels

¹ ALINORM 10/33/3A paras 44-56

Description: Encourage non-governmental organizations to participate in Codex work at national, regional and international levels. Encourage members to establish sound structures and processes for consultation on Codex matters to ensure effective involvement and participation of all interested parties.

This is an ongoing activity and should be considered by all Coordinating Committees.

Request for comments and information

Comments and information are requested on Activities 4.5 and 5.5 of the Strategic Plan 2008-2013.

(ii) PRIVATE STANDARDS²

The 33rd Session of the Commission considered a paper (CX/CAC 10/33/13) prepared by FAO/WHO on private food safety standards (PFS), which addressed the following issues: the extent to which PFS are consistent with Codex and the impact of these standards on market access and public health, particularly in developing countries. The paper did not cover the issue of whether the SPS Agreement should apply to PFS, which was a question that would continue to be discussed within the WTO SPS Committee.

The main conclusions of the paper were that there was a tendency for individual firm standards to be more stringent than relevant Codex standards without scientific basis whereas collective food safety standards were largely consistent with Codex. A general exception to this, however, related to traceability requirements. PFS were however more prescriptive than Codex in stating how food hygiene requirements should be met. Since the standards in most cases were prepared with extremely limited opportunity for developing country input, the prescription contained within the standards were often inappropriate in developing country contexts and difficult or impossible to apply in small-scale food businesses in developing countries. Especially costs of certification disproportionately penalized small-scale producers and multiple certification requirements were a major problem that should be avoidable given that there are minimal differences among many of the existing standards. The Representative of FAO highlighted that there was a need for transparency not only in the setting of private standards but also in their implementation and further emphasized that the key question was whether private food standards support or undermine public policy.

After extensive discussion, the Chairperson concluded that legal trade implications of private standards were best dealt with in WTO. Codex, FAO and WHO should engage with global private standard-setting bodies and others, and encourage their participation in Codex as observers. The Chairperson noted the willingness of FAO to make closer contact with private standards organizations.

The Commission agreed to refer the matter to coordinating committees to conduct further analysis of the problems encountered with private standards and to make recommendations for follow up by the next session of the Commission. The analysis should include the financial burden especially to SMEs due to proliferation of private standards. Private standards setting bodies should be encouraged to limit number of audits and to work more cooperatively among themselves.

Request for comments and information

Comments and information are requested on the following questions:

Question 1: Have food producers/processors in your country experienced any problems in meeting private standards?

Please provide a description of the problems encountered (where these problems are encountered, which industries are mainly affected) and give specific examples.

Question 2: What are the financial implications of meeting private standards, especially implications for SMEs?

Please provide specific examples and data to support your response.

Question 3: What measures have been taken to overcome/ease the problems in implementing private standards?

² ALINORM 10/33/REP paras 218-243

Please provide a description of measures taken and how it has helped to limit the problems associated with private standards, if relevant.

Question 4: What should the CAC/ FAO/WHO do in the context of private standards?

Please make recommendations for follow up action by CAC (or FAO/WHO) bearing in mind that legal trade implications of private standards are dealt with in WTO.

(iii) PROCESSED CHEESE³

The Commission agreed to defer decision on the discontinuation on work on a standard for processed cheese until its 34th Session. The Commission further agreed to request the interested Coordinating Committees to discuss the necessity and the scope of regional standards for processed cheese and report their findings to the 34th Session of the Commission. The Commission would then base its decision on the discontinuation of work on the basis of the findings and recommendations of the coordinating committees.

Request for comments and information

Comments are requested on the (i) the need for a standard on processed cheese and the rationale for such a standard i.e. whether there is a problem or potential problem in the trade of these products; and (ii) the scope of such a standard i.e. compositional aspects of the products to be covered by the standards.

(iv) PREPARATION OF THE REVISED STRATEGIC PLAN FOR 2013 - 2018⁴

At its 64th Session, the Executive Committee discussed the development of the revised Strategic Plan for 2013 – 2018. The Committee recommended that an electronic working group consisting of the Chair and the Vice-chairs should prepare a questionnaire or a revised proposal for a new Strategic Plan, as feasible, which would be distributed in a Circular Letter for comments and consideration by all Coordinating Committees. The revised proposal would be submitted for consideration to the next session of the Executive Committee.

Questionnaire for Codex Alimentarius Commission Strategic Plan 2013-2018

Introduction

The 33rd session of the CAC directed the Bureau to prepare a questionnaire to seek suggestions from Codex Coordinating Committees for the next Strategic Plan 2013-2018. This is your opportunity to contribute to shaping the future of Codex. Your responses will assist the Bureau in developing a draft Plan for review by the Executive Committee and the Commission. We want to make the next Strategic Plan maximally relevant and forward-thinking in its content, format, and implementation, as well as consistent with the FAO and WHO Strategic Plans, as relevant and appropriate.

The Codex Strategic Framework 2003-2007 had six Objectives: (1) Promoting sound regulatory frameworks; (2) Promoting widest and consistent possible application of scientific principles and risk analysis; (3) Promoting linkages between Codex and other multilateral regulatory instruments and conventions; (4) Enhancing capacity to respond effectively and expeditiously to new issues, concerns and developments in food sectors; (5) Promoting maximum membership and participation; and (6) Promoting maximum application of Codex standards.

Vision Statement of the Current 2008-13 Strategic Plan

The CAC envisages a world afforded the highest attainable levels of consumer protection including food safety and quality and nutrition. To this end, the Commission will develop internationally agreed standards and related texts for use in domestic regulation and international trade in food that are based on scientific principles and fulfill the objectives of consumer health protection and fair practices in food trade.

³ ALINORM 10/33/REP paras 89-93

⁴ ALINORM 10/33/3A, paras 54-55

Goals of the Current 2008-13 Strategic Plan

1. Promoting sound regulatory frameworks
2. Promoting widest and consistent application of scientific principles and risk analysis
3. Strengthening work management capabilities
4. Promoting cooperation between codex and relevant international organizations
5. Promoting maximum and effective participation of members

Some Questions for the 2013-2018 Strategic Plan – Please suggest others you find important

- a) Are the current five goals still relevant? What changes would you propose (if any)?
- b) The 2003-2007 Framework did not include measurable indicators, as does the current Strategic Plan. Should the next Strategic Plan include measurable indicators? Is the current “table” format useful or would you suggest changes? For example, is it useful to track “ongoing” activities?
- c) What are the most significant challenges facing Codex? What goals/activities should be included in the next plan to insure that these challenges get the necessary attention?
- d) Given the fact that developing country participation in the work of Codex is presently a major issue, what goals/activities should be included in the next plan to insure that this issue gets necessary attention in 2013-2018?
- e) Do current Codex structures and procedures adequately meet present needs of members (i.e., various “step procedure” options, critical review by CCEXEC, etc.)? What changes might be considered?
- f) The Commission operates in an environment of change and technological advancement. Should issues such as the food safety consequences of climate change, and new production technologies such as nanotechnology, etc., be reflected in the new Strategic Plan? If so, how?

Request for comments and information

Replies are requested on questions (a) – (f) above.

(v) STRATEGIC APPROACHES TO BE FOLLOWED FOR THE FUTURE WORK OF THE CODEX TRUST FUND (CTF)⁵

INTRODUCTION

Annex 1 below summarizes the findings and recommendations of the Mid-Term Review of Codex Trust Fund and conclusions reached during the discussion of the report at the Sixty-Fourth Session of the CCEXEC and the Thirty-Third Session of the Codex Alimentarius Commission. The complete report of the Mid-Term Review is available in CX/CAC 10/33/14 Add. 1⁶.

Further to the decision of the 33rd Session of the CAC, five questions are contained below as the basis for consideration of the Mid-Term Review of the CTF.

FAO and WHO have been charged to implement findings of the Mid-Term Review of the CTF and an important step is to gather information and feedback on critical issues in each region, as the strategic and operational direction of the Codex Trust Fund for the next six years are taken.

Question 1: Should there be a shift in emphasis from Objective 1 to Objectives 2 and 3⁷?

In broad terms, there is agreement on the need to gradually shift CTF resources from Objective 1 to Objectives 2 and 3 (as quality of participation is an important factor), however the CCEXEC advised that it should be approached cautiously as physical participation is still an important aspect.

⁵ ALINORM 10/33/REP, paras 244 - 252

⁶ ftp://ftp.fao.org/codex/cac/cac33/cac33_14_Add1e.pdf

⁷ CTF Objective 1: Widen participation in Codex
 CTF Objective 2: Strengthening overall participation in Codex
 CTF Objective 3: Enhance scientific /technical participation in Codex

- *Members are asked to clarify their expectations and advise on where the emphasis should be placed for their region. Should the amount of support apportioned to each objective be equal? What eligibility criteria should be used to give support to Codex members on activities related to Objectives 2 and 3? Any relevant considerations for FAO and WHO to consider in developing the process to give increased emphasis to Objectives 2 and 3 are invited.*

Question 2: If yes, what is the "niche" for the Codex Trust Fund?

The CCEXEC and CAC concluded that the Codex Trust Fund should remain focused on providing support that is directly related to participation in Codex work Discussions during CAC and CCEXEC, and the findings of the Mid Term Review suggest that CTF supported activities to strengthen Objective 2 and 3 should focus on “capacity development on Codex related activities” and not broader food control and food safety systems. Better definition and understanding of the scope of this concept is required.

- *Members are requested to advise on their vision and priorities for the scope of CTF funded capacity development activities (e.g. negotiation skills, strengthening codex structures, developing national positions etc.) and what would be suitable mechanisms for delivery of the capacity-building activities? – networks of excellence, South-South cooperation, research studies etc.*
- *When advising FAO and WHO on the niche/scope, the Committee is requested to clearly suggest possible activities based on past experience and successful approaches in the region. It may include identifying regional or national institutions who could partner with the CTF in future activities.*
- *Members are also requested to consider how CTF supported activities to build capacity in Codex are integrated (rather than separate activities) to overall development of food safety and food control systems at country and regional level. Consideration could be given to other ongoing activities in the region to strengthen effective participation in Codex, such as FAO/WHO activities in the region, or other bilateral activities.*

Question 3: Should there be a mechanism to continue support for physical participation for those who need it most (including graduates who cannot sustain participation)?

The fact that certain “graduate” countries may face challenges to secure funds for continued attendance at Codex sessions was noted at CCEXEC and CAC. The Codex Mid-Term Review also considered this issue and recommended that the CTF Secretariat monitor the future participation of countries who graduate in 2010-2011 and be ready to take corrective action should a sharp decline in participation occur.

- *What is the opinion of the Committee on the need for a mechanism to address the issue of reduced physical participation of graduate countries (most in need), who have demonstrated effective participation in decision making in Codex, but are unable to identify funds to support continued participation.*

Question 4: Should there be re-consideration of the criteria for allocation of support?

The Committee should note the CCEXEC agreed that the original UN based criteria for CTF eligibility are still valid and should not be changed. However it was suggested that additional criteria may be required to identify countries most in need of support, particularly as implemented to achieve Objectives 2 and 3.

- *What additional criteria might be used to guide the CTF in allocating support across the 3 different objectives?*

Question 5: Should the lifespan of the Codex Trust Fund be extended?

In considering this question, the CCEXEC agreed that more consideration should be given to the evaluation of the participation of countries before making any specific recommendations on the extension of the lifespan of the CTF.

- *What are the views of the Committee on this issue? What are the issues to be measured in your region to evaluate the impact of the CTF?*

Request for comments and information

Replies and information are requested on the five questions above.

Annex 1A. Summary/Background to the Codex Trust Fund Mid-Term Review

As specified in the Codex Alimentarius Commission Strategic Plan 2008-2013, a mid-term review (MTR) to assess the progress and sustainability of the Fund was carried out between November 2009 and March 2010 by an independent external evaluation team consisting of three persons. Selection criteria for the evaluation team, process and timeline were reported on in the 12th Progress Report of the FAO/WHO Project and Trust Fund for Enhanced Participation in Codex, and the Terms of Reference appear in CX/CAC 10/33 14-Part 1-Annex D.

The final report of the Mid-term Review of the Codex Trust Fund is available in CX/CAC 10/33/14 Add. 1. The team of evaluators based their analysis and conclusions on visits to 12 countries selected to be a representative sample of CTF beneficiary countries, interviews (almost 150 interviews carried out in total) with stakeholders at WHO, FAO and in donor countries, and surveys distributed to Codex Contact Points and beneficiaries of the project. In addition, the team reviewed previous reports assessing the CTF, and documentation generated from the Codex Trust Fund system.

The major findings of the mid-term review were the following:

- **Impact - There have been significant changes in Codex work at country and regional levels** - the policy frameworks have been developed and most countries have clear policies for Codex work and for food safety. These changes are caused by many factors, not least the political and commercial interests of the countries concerned. However, participation in meetings, funded by the CTF, has been seen as a useful supplement to other activities, and often the CTF provides funds which otherwise would not be available. Therefore, CTF support, while it is not the only contributor, has been an important “catalyst” to these changes.
- **Regional coordination - One of the important changes concerns the level of regional coordination.** There has been an increase in the number of networks in regions and there are more activities in joint training activities, developing joint positions on technical as well as political issues. The participation enabled by the CTF appears to have been a strong contributing factor.
- **Sustainability - Changes in the institutional framework around food safety and health were in most parts found to be sustainable.** Regarding the CTF, in particular this is referring to the framework on NCC’s and CCPs which can be sustained if there is a political and administrative will to sustain them. Sustaining participation in Codex meetings may be difficult for some small low income and some transition economies, and the first real test will come when a large group of LDCs graduate in 2011. Until now however, there is evidence that some countries have been successful in funding participation from non-CTF sources when required by the graduation process.
- **Reaching objectives** - The Trust Fund has achieved its first objective (90% of the funds have been used to make this happen), and this is also how the majority of donors and other stakeholders have wished that the funds be spent. The evaluation revealed there is overwhelming consensus now among stakeholders that all three objectives remain relevant today and that the CTF should undertake activities to address them all. There is urgent need to gradually shift resources to objectives 2 and 3 – the specific activities need to be defined. These activities should supplement the activities of other projects and programmes that aim to strengthen Codex capacity including those from FAO and WHO. As countries do graduate in 2010, the CTF Secretariat and Consultative Group should explore options to monitor participation and potential corrective action should participation drop dramatically in 2011.
- **Efficiency** - The efficiency of the operation has been high and the results in terms of reaching the first objective were accomplished with very few staff resources. It seems that this programme is managed at lower cost than many others.

Based on these findings, the key recommendations emanating from the report are as follows:

- 1) Focus on the second and third objectives (Expected Output 2 - strengthening overall participation and Expected Output 3 - enhancing scientific/technical participation in Codex. For more information on

objectives and expected outputs please see the summary project document establishing the Codex Trust Fund in 2003⁸.

- 2) Focus on countries most in need – follow-up the participation of countries that graduate in 2010 and 2011 and be prepared to respond if participation declines sharply.
- 3) Find ways of engaging other countries – graduate countries can have other important roles to fulfill, e.g. contribute to capacity development through regional coordination, mentoring and twinning activities.
- 4) Continue to apply and develop further stringent application procedures – assess real country needs and strict review of applications to participate.
- 5) Stay focused on participation in Codex as the key role of the Codex Trust Fund – particularly activities in relation to objectives 2 and 3 should be centred on participation (i.e. capacities to participate effectively, and support technical and research inputs in relation to participation in Codex).
- 6) Increase collaboration with other actors – shifting activities to Objectives 2 and 3 enhances opportunities to obtain synergy on operations, and also higher risk of duplicating efforts.
- 7) Further develop monitoring and evaluation systems for the Trust Fund – in order to plan for the external evaluation activities well in time.

B. Conclusions at EXEC and CAC

The report of the mid-term review was tabled for discussion at the 64th Session of the Executive Committee of the Codex Alimentarius Commission and the 33rd Session of the Codex Alimentarius Commission.

The Executive Committee and the Codex Alimentarius Commission considered the following five strategic questions:

- Should there be a shift in emphasis from Objective 1 to Objectives 2 and 3?
- If yes, what is the "niche" for the Codex Trust Fund?
- Should there be a mechanism to continue support for physical participation for those who need it most (including graduates who cannot sustain participation)?
- Should there be re-consideration of the criteria for allocation of support?
- Should the lifespan of the Codex Trust Fund be extended?

The Executive Committee concluded the following:

- There was general agreement on a shift from Objective 1 to 2 and 3, with the understanding that it should be approached cautiously as participation was still an important aspect, and noted that for objective 2 the quality of participation should be considered. It was also agreed that the Trust Fund should not be used where capacity building was carried out by FAO and WHO.
- The Codex Trust Fund should remain focused on providing support that is directly related to participation in Codex work.
- Additional criteria to evaluate if countries needed support even if they had graduated should be applied in a flexible manner in the perspective of achieving Objective 2.
- The current UN criteria to classify groups of countries should not be changed but additional criteria should be developed to take into account the needs of countries.
- There was most likely going to be a need for Trust Fund support in the future but more consideration should be given to the evaluation of participation of countries (in advance of the end of the project) before making specific recommendations on the extension of the lifespan of the Trust Fund. This should provide the needed data to make a decision.

Full text of deliberations and conclusions can be found in ALINORM 10/33/3A⁹ (paras 118 – 144).

⁸ http://www.who.int/foodsafety/codex/en/summary_proj_doc_e.pdf

The 33rd Codex Alimentarius Commission meeting agreed with the conclusions of the Executive Committee. In addition, there was general agreement that objective 1 had been largely met and that there should be a move towards a focus on objectives 2 and 3, but in particular, objective 2 (and specific comments and discussion should take place at coordinating committees on implementation). It was also believed important to support the development of national Codex structures to sustain participation in Codex and that particular consideration needed to be given to providing alternative support to some countries that had “graduated” from the Fund but could not sustain participation. The meeting further agreed that the coordinating committees would further consider the mid-term review based on comments to a circular letter on the five strategic questions that appear above.

⁹ ftp://ftp.fao.org/codex/alinorm10/al33_03Ae.pdf