

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of
the United Nations



World Health
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - Fax: (+39) 06 5705 4593 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda Item 6

CX/GP 15/29/6-Add 2

March 2015

Original Language Only

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON GENERAL PRINCIPLES

Twenty-ninth Session

Paris, France, 9 - 13 March 2015

CODEX WORK MANAGEMENT AND FUNCTIONING OF THE EXECUTIVE COMMITTEE

Comments of Australia, Costa Rica, India, Japan and New Zealand

AUSTRALIA

Australia would like to take this opportunity to thank the Codex Secretariat and the parent bodies for providing the opportunity to comment on the agenda paper and we look forward to the discussion at the forthcoming session of the committee.

While the paper provides some analysis of the Evaluation in 2002 and provides us with a good reminder of the decisions and implementation of certain recommendations in response to the Evaluation, the proposals identified in the paper are slightly disjointed and appear to endeavour to address some of the recommendations that were perhaps not fully supported at the time. We recall that the Secretariat-led internal review was to be initiated in a form to be decided and approved by the Commission at its 38th Session; we therefore don't consider that CCGP is in a position to discuss the concrete proposals and solutions contained in the paper at this time.

In general, Australia considers that this is an important issue as reflected by the discussions at the last session of CCGP in 2014, which highlighted among other things that a new review should not duplicate the 2002 Evaluations; instead it should focus on how to maintain and increase the effectiveness of Codex in an ongoing way. Specific items to be examined could be the role and functioning of the Executive Committee or better ways for different committees and task forces to work together. Codex should have a framework for conducting a continuous review and looking at creative and pragmatic ways to apply the existing procedures. It was mentioned that such an approach would fit in well with strategic objective 4 of the Strategic Plan 2014-2019 and that within Codex there was a vast array of experience that could be used to work on this. CCGP also held an in-session working group. In summary, the in-session working group agreed to support and give priority to the review of Codex work management practices. Points to consider in this regard are as follows:

- The need for inclusiveness;
- The need to scope the exercise for the most effective use of resources;
- To be clear as to its purpose;
- The need for strong consultation across the Codex Secretariat and FAO/WHO throughout the process;
- That the above options are not mutually exclusive;
- To draw upon all areas of experience in Codex work management (chairs, etc.);
- To keep in mind the broadening membership of Codex and the appropriateness of processes and procedures.

The paper contains a range of ideas that are not supported by any real analysis of the problem that each proposal might be seeking to address. There are inferences that the Executive is to blame for Codex problems when this in fact cannot be substantiated. Many of the members of the Executive have put a lot of effort into trying to encourage the Executive to be more strategic (e.g. the introduction of a business plan model that would closely link the Codex budget to the strategic plan (ALINORM 10/33/3A)). Innovative ideas with regards to management of cross committee work have been met by resistance and in some cases where the Executive has recommended a particular action, in terms of exercising its standards management function, the recommended action has not been supported at the Commission level.

Australia would caution that narrowing our discussion to the range of proposals in the paper will restrict the options for improving the strategic focus and effectiveness of Codex. This discussion should provide the opportunity for discussions around improved practices that will lead to positive change. For this reason we would strongly urge that a more general discussion be held at the forthcoming session of CCGP. This discussion could be used to further identify the issues, problems; what can be done better and what should be the future direction of Codex, including where its priorities should lie. These discussions could be reported/forwarded for further consideration by the Executive and ultimately the Commission later this year.

With regards to the recommendations of CX/GP 15/29/6 and specifically replacement of the Executive Committee by a Codex Executive Board, these proposals need careful consideration. To assist taking this work forward consideration should be given to a mechanism to further develop a paper for consideration by the 70th session of the Executive, exploring options to give the secretariat paper a more strategic focus i.e. distilling from the Secretariat paper high priority areas in today's Codex environment, supporting any subsequent recommendations with more in depth analysis. Whether a more representative Board would be more effective/strategic would be a fundamental component of this work. In this context, any change in membership must take into account the need for transparency and inclusiveness; the membership discussion/options could include a review of the manner in which Chairs and Vice- Chairs are nominated and elected. This discussion should also include the *modus operandi* of the Board including whether the *critical review function* adds value to the process for the approval of new work; does the Executive committee fulfil its mandate in regards to the *standards management function*?

Another important area that appears to have been missed is the effectiveness of the current agenda of the Commission in supporting a strategic management approach to our work. The current agenda for the Commission is heavily laden with information items which in our view could be moved to side-events in order to make way for more strategic discussions such as the work management of committees; what can be done better and what should be the future direction of Codex, including where its priorities should lie. A substantial time (1/2 day) could be set aside during the plenary in order to allow members to discuss emerging issues – a simple panel approach whereby the Secretariat and the parent bodies identified key people at the forefront of food safety and international trade (from member countries or from the chairs of committees) that would take part in a panel discussion that would assist in identifying emerging issues.

Australia considers that this is an important opportunity for Codex to become more effective and efficient and to move towards development of more contemporary approaches to how it operates. We all agree that Codex as an organisation needs to look at how it operates and identify mechanisms that will continue to support the development of outcomes based standards that meet the emerging needs of members and in order to do this it may be required to devolve itself of functions, processes and procedures that no longer meet this need.

COSTA RICA

Costa Rica agradece la oportunidad de realizar sus comentarios. Asimismo, reconoce la importancia del documento sobre la gestión del trabajo del Codex y funcionamiento del Comité Ejecutivo. Sin embargo, dada la complejidad del tema y lo trascendental de las propuestas planteadas en el funcionamiento del Codex, Costa Rica se **opone a la discusión** de este tema en la 29ª reunión del CCGP fundamentado en lo siguiente:

1. El documento incumple los plazos previstos para enviar comentarios.
 - a. Llegada del email con documento en inglés: 23 de Enero 2015
 - b. Llegada del email con el documento en español y francés: 12 Febrero 2015
 - c. Plazo para envío de comentarios: 20 febrero de 2015 (tan sólo 8 días para envío de una posición nacional, en el caso de países de habla hispana y francesa)
 - d. En el Manual de Procedimiento se indica que los documentos para una reunión deben ser enviados por lo menos dos meses antes de que ésta comience. (Preparación y distribución de documentos; *Directrices para los Comités y Grupos de Acción Intergubernamentales Especiales del Codex*, Sección III: Directrices para los órganos auxiliares, página 100 versión en Español.)
2. Debido al corto plazo en la distribución del documento y a la complejidad del mismo, los países no han contado con el tiempo suficiente para realizar un **análisis exhaustivo** de las propuestas que ahí se contemplan. Existen propuestas de temas que ya se han discutido en Codex y que además han sido aclaradas, asimismo, existen otros temas de fondo que merecen mayor discusión a lo interno de los países y el plazo en este momento ha sido insuficiente.

Por todo lo anterior Costa Rica no presenta comentarios en este momento, se opone a la discusión del tema en la reunión y se reserva el derecho a pronunciarse posteriormente.

INDIA

India appreciates the efforts of the Codex Secretariat in preparing this paper. Our general comments on the Agenda item itself and the specific comments with regard to certain recommendations are as follows:

General comments

The current thrust of the paper seems to be on the future structure of the Executive Committee. Post 2002 evaluation, the Executive Committee has been focussing on strategic issues and playing a very important role as an advisory body. The paper does not clearly highlight the lacunae that the restructured body hopes to fulfil or the rationale for the same. This has to be understood in the background of the fact that the ultimate decision-making body is the Commission.

Before discussion is initiated on the proposed re-structured body viz., the Codex Executive Board (CX-EB), it is important that there is clarity on its size, mode of election, leadership issues (there is a discussion on different Chair for the CX-EB & the Commission, multiple Vice-Chairs), size and dynamics of various regional groupings so that all regions are adequately represented.

Whether the role of strategic oversight and standards management functions should be with the same body or different bodies needs further deliberation. The paper suggesting that the EXEC is not capable of thinking of 'out of the box' solution seems to be a far sweeping and generalized statement without any basis. The proposals in relation to management of Codex programme and links to FAO/WHO need more analysis particularly with regard to problem definition and where the gaps are.

The idea of taking out observer issue from the EXEC Agenda and leave it to the Secretariat and the legal offices of FAO and WHO to deal with the applications based on established criteria is worth considering.

Specific comments

a) Recommendation #2: It is recommended that Codex should not take on additional work in non-health related areas.

This recommendation is in partial contradiction to the Statutes of the Codex Alimentarius Commission- Article 1 (a) which states "protecting the health of the consumers and ensuring fair practices in the food trade", fair practices in the food trade can be ensured only by setting up standards for the food commodities traded across the world.

India would also like to record strong objection to Para 21 of Agenda Item 6 (CX/GP 15/29/6) wherein it is mentioned that, "*The establishment of the CCSCCH was not without controversy and has also led to the present review*".

There was no controversy related to the establishment of CCSCCH and it was a unanimous decision without any voting. We would like to recapitulate the facts that led to the establishment of CCSCCH.

(i) The discussion paper for the establishment of the CCSCCH was introduced at the 35th Session of CAC and as agreed by the Commission delegation of India made presentations on its proposal at all the six Codex Regional Committees of CCLAC, CCNASWP, CCEURO, CCASIA, CCAFRICA and CCNEA during 2012-13.

(ii) It was clearly mentioned in the report of the 68th Session of CCEXEC that the Committee noted concern about the management of additional Committees or Task Forces and increasing workload, which would require more Codex resources. This was also considered in the context of the 2002 Evaluation of Codex. The Committee generally supported that such issues and possible solutions could be brought to the next session of the CCGP and subsequently to the CCEXEC, and one Member proposed to prepare such a paper. Another Member expressed support for this proposal and also suggested that the paper should reflect upon a merit based approach in the establishment of committees **given that a new committee might be the preferred option depending on the circumstances.**

(iii) The CCSCCH was then formed during the 36th Session of CAC session in 2013 after a full year of interaction with the six Codex Regional Committees of CCLAC, CCNASWP, CCEURO, CCASIA, CCAFRICA and CCNEA.

We would like to mention that there was tremendous support for the development of a Committee on Spices and Culinary Herbs (CCSCCH) and this was even reflected in the report of 36th session of Codex Alimentarius Commission:

Para 151

Several delegations supported the establishment of a committee to be hosted by India, noting the need for international harmonized standards to prevent barriers to international trade and the benefit to small farmers and developing countries. However, they pointed out that the scope of work and the mechanism for

prioritization of work needed to be well defined. It was proposed that the Committee should be named "Committee for Spices and Culinary Herbs" to reflect that the herbs to be considered are limited to those for culinary purposes and not for use as food additives or other purposes.

Para 155

In view of the overwhelming support, the Commission agreed to establish a Committee on Spices and Culinary Herbs (CCSCH) to be hosted by India with the following terms of reference:

- a. *To elaborate worldwide standards for spices and culinary herbs in their dried and dehydrated state in whole, ground, and cracked or crushed form.*
- b. *To consult, as necessary, with other international organizations in the standards development process to avoid duplication.*

The Committee was formed with ease and the very fact that the proposal was not put to vote is a proof of its acceptance. As already elaborated, India supports the agenda regarding Codex Work Management and as discussed in 69th session of CCEXEC, Secretariat was to prepare, in collaboration with FAO and WHO, a paper identifying scope and processes to evaluate the work management of Codex for consideration by CCGP in May 2015. However in doing so, Secretariat appears to question the decisions which have been taken by Codex Alimentarius Commission and also where a decision was taken by "Consensus".

This recommendation is also in contradiction to the **Recommendation #3, i.e. Establishing commodity standards responding to the expressed needs of developing countries**. While the proposal regarding the establishment of CCSCH was being discussed it was clearly brought during the discussions that major spice producing countries are the developing countries.

b) Recommendation #16: 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.

The 25th (Extraordinary) Session (2003) of the Commission (ALINORM 03/25/5) reviewed the report but did not make any conclusions on the above stated Recommendation 16. It, however, requested (paragraph 25 of that report) the Codex Secretariat to obtain the comments from Government and interested international organizations on the report, and to prepare options and strategy for consideration by the 26th Session of the Commission (2003) for action on a number of areas including Recommendation 16.

The Codex Secretariat invited comments from Governments and interested international organizations and presented a summary of the comments at the 26th Session of the Commission (ALINORM 03/26/11: Add 1). It is stated in paragraph 2 that there were significant difference of opinion in relation to the three 'sub-proposals' contained in Recommendation 16 (a), (b) and (c), in particular, that all commodity work should be undertaken by time-bound Task Forces. One of the comments stated that this could lead to a proliferation of Task Forces with serious negative implications for developing member countries. In paragraph 3, it is stated that, "In 1999, the Commission adopted new criteria for the establishment of subsidiary bodies which placed emphasis on the use of time-bound task forces to undertake specific work that either did not fit within the existing committee structure or else fell across the mandates of several Codex committees, thus providing the Commission with a more flexible and task-directed approach to its work." The report of the joint FAO/WHO evaluation was again discussed at the 26th Session (2003) of the Commission. It is noted that from paragraph 152 of the report (ALINORM 03/41) that the standard setting needs of the developing countries should be recognized and appropriate capacity building activities should be promoted. The Commission further decided that the priorities should be for processes for standards management, with due regard to the special needs of developing countries. However, there was no decision by the Commission on Recommendation 16 referred to above in view of significant differences of opinion among the members.

The Joint FAO/WHO evaluation of the Codex Alimentarius reviewed the Codex Committee structure and noted that, “*The use of time-bound ad hoc task forces should remain an essential element of a flexible response to urgent matters, including task forces that may take some of the work **from over-burdened General Subject Committees**, or draft standards on special subjects. However, the establishment of such task forces should take into account the overall capacity of all member countries to participate in the work of Codex.*” (ALINORM 03/26/11: Add.1, paragraph 9).

It is also noted from the first bullet point mentioned in the “*Criteria for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission*” given on page 38 of the Codex Procedural Manual that ‘*the terms of reference of the proposed ad hoc Intergovernmental Task Force shall be limited to the immediate task at hand and normally shall not be subsequently modified;*’. Thus, it is noted that the function of an Intergovernmental Task Force is limited to a specific task identified for standardization and may not apply to a function to set standards for a larger group of items as Spices and Culinary Herbs.

Thus, CCSCH was established in response to the needs expressed by a large number of member countries especially the developing countries. At the 36th session of the Commission, detailed discussions were held including discussion on setting up of a time-bound Task Force to meet the requirement, however the Commission felt that setting up of a commodity committee was essential to achieve the objective of standard-setting for Spices and Culinary Herbs. Hence, viewed very simplistically, it may appear that Codex went against the recommendation #16 (i.e. use of time bound task forces). In fact, viewing holistically and taking into account the quantum and diverse nature of the work that was under consideration, the Commission adhered to its established larger norms in the context.

The Secretariat of the CCSCH has generated voluminous work and the forthcoming second session in September 2015 is going to deliberate on 10 new work proposals for spices and herbs of crucial importance. The quantum of work being generated by CCSCH is far beyond the scope of a time bound Task Force, which is established on a specific area with a limited mandate.

In Para 146 of Agenda Item 6 (CX/GP 15/29/6), it has been stated that “Commodity Committees could be abolished as they finish their tasks and for any specific requests in their area a task force could be created or a working group of the super-commodity committee as the case may be”.

It is not understood from the Agenda item that what the concept behind the “super-commodity committee” is. It has not been explained in the discussion paper clearly and requires more clarity.

c) Recommendation #20: 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.

India would like to mention that, Guidelines on Electronic Working Groups (EWGs) in 23rd Edition of Codex Procedural Manual state that – “The search for worldwide consensus and for greater acceptability of Codex Standards requires the involvement of all the Members of Codex and the active participation of developing countries. Special efforts are needed to enhance the participation of developing countries in Codex Committees, by increased use of written communications, especially through remote participation via email, internet and other modern technologies, in the work done between sessions of Committees”.

EWGs have been playing an important role in facilitating the codex work, by reducing the workload of plenary sessions. EWGs give an opportunity for the Member Countries to submit their comments on every section of the draft Codex Text that is being formulated which might be difficult at the plenary. The key responsibility for an EWG is to develop a Codex text taking into consideration views from all the Member Countries under the Codex Alimentarius Commission.

Over the years, Codex has witnessed an increase in the number of EWGs established by various Codex Committees every year. However, an overall analysis of the progress made through the use of EWGs reveals that the participation of the Developing Countries is far less as compared to the participation of the developed world in these EWGs. The main purpose of establishing an EWG was to increase the participation from the Developing Countries which may not be able to participate in the plenary sessions due to reasons such as lack of funds and institutional support. Therefore, it is important to enlist proactive

participation of the developing countries in the deliberations of these EWGs so as to make the whole standard setting process more inclusive.

Accordingly, India has prepared a discussion paper for the consideration of the Committee highlighting the issues emerging from skewed participation of the developing member countries in the deliberations of the EWGs, along with the recommendations to be considered for enhancing the role of Electronic Working Groups (EWGs) as an effective tool for the development of Codex texts. The discussion paper is enclosed at Annex I.

d) Recommendation #23: 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.

India supports the need to revisit the 8 Step Procedure for development of a Codex Standard.

e) Recommendation #26: 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.

India supports the use of rotation system for hosting a particular Codex Committee.

JAPAN

Japan appreciates the efforts taken by the Codex Secretariat and FAO/WHO for preparing this document. Japan is pleased to submit the following comments on proposals made by the Codex Secretariat.

1. Mandate and priorities

Japan is of the opinion that Codex should prioritize standards having an impact on consumer health and safety as recommended by the 2002 evaluation.

In this regard, Japan would like to propose that the Codex secretariat, as a first step, examines the past and/or on-going Codex' works on issues that are not directly related to the food safety but related only to trade or quality. It may be also interesting to ask the parental organizations FAO/ WHO whether the Codex is the most appropriate place to discuss issues that are mainly related to trade/quality and distantly related to the food safety.

In the Risk Analysis framework, the Codex plays the role of risk management and the FAO/WHO the role of risk assessment issuing the scientific advice. It is difficult to imagine how the FAO/WHO risk assessment addresses the quality and trade issues.

With regard to the priority of the standard-setting work, it seems that current Codex work is mainly driven by the interested Members' views rather than the critical review and strategic plan. So far, few new proposals have been turned down by the critical review. Though it is very difficult to reject well-intended proposals, the function of critical review, an important function of CCEXEC, should be reinforced.

2. Management of the Codex Programme and links to FAO/WHO

As these issues are mainly related to the communication between FAO/WHO and Codex, it is appropriate that first of all, FAO/WHO and Codex secretariat should discuss what process could be possible in a most efficient manner and then the Commission should consider the matter based on results of the discussion. The activity related under this activity may have to be prioritized, such as, not only the progress of the work in the Codex but also principle of adoption of new works in view of FAO or WHO assembly resolutions.

3. Strategic governance within Codex – "Executive Board"

Japan generally supports the proposal to consider replacing the Executive Committee with a Codex Executive Board. Currently, very often, the Executive committee and the CAC are repeating the same discussions.

CAC has been held annually since 2003. It may be time for the Codex to reconsider function, composition, frequency, timing and duration based on the past 12 year experience. When considering this issue, it could be helpful to take into account experiences in other international organizations, such as FAO, WHO, IPPC, and OIE.

4. Structure of Codex Subsidiary Bodies

The secretariat's document is silent on the establishment of a new committee. The procedural manual explicitly says "first consideration should be given to the establishment of an ad hoc intergovernmental Task Force" under Rule XI.1(b)(i) in *Criteria for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission*. However, "In 2013 the Commission created a new committee (spice) for the first time since CCFICS and CCNE in the 1990s. This was in direct contradiction to Recommendation #16 on the use of time-bound taskforce; however, it was the wish of Codex members (paragraph 145 of the secretariat document)".

It can be interpreted that from now on a new committee can be created if such a proposal is made by any Member(s). Considering that such a possibility cannot be ruled out entirely, rules on establishment of a new committee may have to be explicitly delineated in the Procedural Manual, and the interpretation of the Rule XI. 1(b)(i) may have to be reconsidered.

Japan is of the opinion, however, that, in principle, when a new committee is established, it should be based on the practice of "scrap and build" considering the limited resource of Codex work.

5. Efficiency of Committee Work

As regards "3.5.4 Explore ways to ensure a more equal geographical distribution of countries chairing committees while not obstructing the standard setting process", Japan would like to draw the Codex's attention to CX/EXEC 08/61/2, paragraphs 16-19, particularly the third bullet point in paragraph 18: a possible new Rule putting a limit on the duration to the service of host governments. The issue may be somehow related to the issue of creation of new committee discussed above under 4. Structure of Codex Subsidiary Bodies.

With regard to "3.5.5 Review of the effectiveness of working groups", while working groups are effective tool to advance the standard setting works, it is necessary to consider the management of working group because recently there are a lot of working groups established in each committee and the burden of members to respond to these working groups has been increasing. In this regard, Japan would like to ask the secretariat how many physical working groups have been taken place every year in the past 5 years, for example. Already in 2007, it was pointed out that "the increasing number of physical working group meetings posed serious concerns and therefore suggested that the number of physical working group meetings should be closely monitored, with a view to better management of Codex work. (para. 149 ALINORM 07/30/REP)"

In addition, Japan sometimes experienced miscommunication problems related to sending and receiving messages through e-mail. Utilization of the Codex website through the process of eWG, e.g. post kick-off messages and draft documents on the website, would be useful to improve efficiency and transparency of the working groups.

NEW ZEALAND

New Zealand appreciates the efforts of the Codex Secretariat, the FAO and WHO in the preparation of document CX/GP 15/29/6 and welcomes this opportunity to comment on the paper.

At the outset New Zealand would like to recall the conclusions and recommendations of the 69th session of the Executive Committee on how to progress thinking and ideas for improving Codex work management systems and processes. In line with the recommendations of the Executive Committee, the immediate focus and priority should be on an internally driven review of current work management systems and processes with a view to identifying possible actions to improve the overall efficiency of Codex and contribute to the achievement of Goal 4 of the new Strategic Plan.

While the analysis of the status of implementation of the 2002 evaluation of Codex is useful background information, New Zealand is of the view that a fresh and forward looking approach is what is needed now taking into account not merely the progress already made but also today's dynamics in terms of enlarged membership, emerging food safety challenges and standards development imperatives.

The criteria and basis for inclusion of the specific proposals set out in Section 3 of the document are not readily apparent. There is a clear need to identify and focus on those areas that are likely to have the greatest impact on the efficiency of Codex. In New Zealand's view the overall efficiency of Codex could be improved by focussing on the following priority areas:

- Strengthening the agenda and focus of the Commission as the recognized international standards body and enhance its capacity to respond to emerging food safety challenges;
- Promoting flexible rules and procedures for collaboration between committees and improve work efficiency and organizational agility;

- Reviewing institutional structures and processes in line with the criteria of efficiency, inclusiveness and transparency.

While some of the proposals set out in the agenda paper are pertinent to addressing above interests, the rationale and purpose of some of the other proposals are unclear. Nevertheless New Zealand would like to make the following comments on some of the specific proposals:

Mandate and priorities

3.1.1 New Zealand agrees that it would be useful to get a more accurate assessment of the proportion of Codex resources spent on health related work. Indeed it is with this in mind that New Zealand and Australia advanced ideas for development of a Codex business plan and improved reporting particularly with respect to amount of resources going into food safety related activities. We believe that the business plan framework together with the results based budgeting that is already in place in FAO should help the Codex secretariat to provide more accurate reporting in this area.

3.1.2 As noted in the paper, evaluating the use of Codex standards and their impact on health protection and trade would be a major exercise and we are not convinced that such a substantive exercise is necessary at this stage. Codex made a deliberate decision some years ago to move away from monitoring uptake and use of Codex standards at the national level. An exercise of the kind envisaged could be resource intensive and would not represent a high priority on the basis of the comments and explanation presented in the paper. It should also be noted that much of the analysis would require collection of information from members and could be potentially burdensome without commensurate benefits. It is also important to take account of how other organizations such as the WTO are monitoring the issue international harmonization before embarking on any fresh initiatives.

3.1.3 This proposal warrants urgent consideration and action and is consistent with Strategic Goal 1 of the revised strategic plan. New Zealand believes that annual sessions of the Commission provides the appropriate forum and mechanism to advance this objective. This will require a critical re-examination of the Commission agenda and management of meeting. Successive strategic plans have noted the relevance of Commission meetings to address current and emerging food safety challenges. New Zealand would like to suggest that future commission agenda include a dedicated item to address such issues. Tapping into the collective knowledge and expertise of the parent bodies, leading international food safety experts, research institutions, academia will be important to facilitating such strategic discussions.

Management of the Codex Programme and links to FAO/WHO

3.2.1, 3.2.2 and 3.2.3 The proposals in relation to management of Codex programme and links to FAO and WHO need further commentary and discussion particularly with regard to problem definition and gap analysis. From our observation the relationship between Codex and the parent bodies remains strong with the parent bodies giving high priority to its work and we believe that communication between the organizations and programme oversight arrangement appear to be working well. We need more clarity here.

3.2.4 New Zealand supports the intent of this proposal on the process for review of applications for observer status. We have always seen it as unnecessary for the Executive Committee to be engaged in a detailed discussion of the applications for observer status. Clear guidelines have been established and it is perfectly adequate and appropriate for the Secretariat to make the determination based on discussions with the legal offices of FAO and the WHO.

Strategic Governance with Codex- Executive Board

3.3 The ideas and proposals presented under this section will require rigorous analysis and discussion. At the outset New Zealand does not entirely agree with some of the comments and analysis of perceived weaknesses of the Executive Committee as currently constituted. In particular we do not share the assessment that Executive Committee has not shown itself as fully capable to fulfil the functions described in a satisfactory way. New Zealand's own experience would suggest otherwise. There have been many examples of the Executive Committee playing an active role both in strategic oversight and standards management areas. The ideas and proposals for improving the budget planning and reporting through a business plan approach is a case in point (see ALINORM 10/33/3A). Similarly we would draw attention to the proposals that were made in the Executive Committee (as far back as 2008) on the issue of joint sessions of Codex committees to efficiently address issues that straddled more than one committee. New Zealand believes that the Executive Committee, post evaluation, has been stronger and more focussed on strategic issues but, as is the case with any advisory body, its influence is clearly limited. There are plenty of examples of recommendations of the Executive Committee being overturned at the Commission level.

That said, New Zealand would be the first to acknowledge that we need to be open to take a fresh look at alternative options. There are important issues such as mandate and terms of reference, membership and leadership arrangements to consider. There are useful examples (such as the IPPC Bureau and the FAO

Programme Committee) that may be relevant to any analysis of alternative models. An important question pertinent to any debate on alternative structure is whether strategic oversight and standards management functions sit comfortably within one and the same body. In our view there are some inherent conflicts in this dual role. This issue will require careful analysis and consideration going forward. Ultimately if there are failings in the current structures and processes it is not the fault of any one body. Seeking to address perceived weaknesses within one body in isolation without taking account of linkages and relationships to other entities will not deliver the solutions needed to address current concerns.

Structure of Codex subsidiary bodies

3.4 The issue of possible reorganization of Codex committees is a complex one and requires careful consideration taking into account the mandate of the Commission and requirements for efficient advancement of work. The growth and diversity of membership has brought new perspectives and interests in terms of scope and coverage of Codex work. This is particularly relevant to any future consideration of how the Commission deals with commodity related work.

Efficiency of Committee work

Reports

3.5.1 New Zealand has consistently supported continuing efforts to streamline content and processes for preparation of Codex reports. While tangible improvements have been achieved in recent years, current processes remain cumbersome and resource intensive. Some 40% of any given meeting time continues to be spent on report preparation and adoption processes. A more concise and focussed outcomes based reporting can help Committees to devote more time to discussions on agenda items and also deliver savings in terms resources used for report preparation and adoption. The use and availability of audio recordings opens up opportunities for a fresh look at reporting arrangements. One option would be to look at developing concise summaries of discussions during proceedings as a way of promoting common understanding of outcomes and minimising opportunities for subsequent debates. There is also merit in looking at how the Codex secretariat and host governments can collaborate in the preparation of reports/summaries of discussions.

Simplification of step procedure

3.5.2 New Zealand agrees that the current step procedure is both confusing and cumbersome. A more concise step process may help committees make a more deliberate determination about advancement of standards and expediting the process of standards development. While the speed of standards development has improved significantly in recent years, a combination of simplification of reports and rationalisation of the step procedure could have a positive impact on committee efficiency and contribute to further improvement in terms of timely advancement of outputs.

The way forward

The issues raised in the agenda paper are substantive and have significant implications for future organization and management of Codex. In our view, the appropriate approach is for CCGP to support a broad ranging discussion on the issues and proposals contained in the agenda paper. It would be premature for CCGP to proceed to make specific recommendations on the proposals in isolation from a broader consensus and agreement on which areas of work management are in greatest need of improvement and likely to deliver the greatest benefits. For this reason New Zealand believes that the substantive debate and discussion of the proposals needs to happen at forthcoming sessions of the Executive Committee and the Commission. The outcome of the CCGP debate and discussion will be important to guide the Executive Committee and the Commission with regard to the next steps.

DISCUSSION PAPER ON REVIEWING THE EFFECTIVENESS OF ELECTRONIC WORKING GROUPS (EWGs)

Prepared by India

1. Introduction

The Codex Alimentarius is a collection of internationally adopted food standards and related texts presented in a uniform manner. These food standards and related texts aim at protecting consumers' health and ensuring fair practices in the food trade. It is important to develop the Standards/Guidelines/Code of Practices (COPs) by following the well-established procedure for elaboration of Codex Standards and related texts as outlined in the Codex Procedural Manual.

Over the years, Codex Committees are increasingly relying on electronic working groups (EWG) to undertake work between sessions and to enhance the participation of the developing countries. As per the Recommendation 20 of Conclusions and Recommendations of the Joint FAO/WHO evaluation of the Codex Alimentarius and other FAO and WHO work on Food standards, it is stated that – “The emphasis in Codex should switch from writing standards in meetings to developing standards through a consultative process between meetings”. This also highlights the importance of electronic working group stating that – “where between-session working groups are used they should be electronic, not generally physical meetings which are not inclusive in possible participation”. Also while developing the guidelines regarding, it was being well noted that when establishing an electronic working group, a Codex Committee should ensure, as far as possible, that the membership is representative of the membership of the Commission.

The guidelines on Electronic Working Groups (Annex-2) were finalised at the 21st Session of the Codex Committee on General Principles (CCGP) in 2004 and were adopted at the 28th Session of Codex Alimentarius Commission (CAC) in 2005. It was also envisaged as a means of facilitating more participation from the developing Countries – “The search for worldwide consensus and for greater acceptability of Codex Standards requires the involvement of all the Members of Codex and the active participation of developing countries. Special efforts are needed to enhance the participation of developing countries in Codex Committees, by increased use of written communications, especially through remote participation via email, internet and other modern technologies, in the work done between sessions of Committees” in Codex Procedural Manual (22nd Edition) in Guidelines on Electronic Working Group.

This is in line with both Strategic Goals 3 & 4 – “Facilitate the effective participation of all Codex Members” and “Implement effective and efficient work management systems and practices” of Codex Alimentarius Strategic Planning 2014 – 2019 respectively. The intent behind establishing EWG was also to have exhaustive discussions and deliberations on the subject matter in between the sessions thereby facilitating the discussions at the plenary and faster sharing of the Codex Text in the Step process. Ten years have passed since the Guidelines on EWG were finalised and there is a need to examine the effective role played by the EWGs and the progress made through the same.

Therefore, India has prepared this discussion paper for the consideration of the Committee highlighting the issues emerging from skewed participation of the developing member countries in the deliberations of the EWGs, along with the recommendations to be considered for enhancing the role of Electronic Working Groups (EWGs) as an effective tool for the development of Codex texts.

2. Background

Past few years have witnessed an exponential increase in trade of food and food products between Countries. Hence, keeping in view the twin objectives of Codex Alimentarius, developing International Standards for the same becomes essential. For the Standard setting process to be relevant, it is important that standards are adopted in a timely manner and the time taken in the process of development of Standards under the aegis of Codex Alimentarius is optimised. For this purpose, Codex Alimentarius Commission established EWGs for effective participation from all members, especially the developing countries.

Over the years, Codex has witnessed an increase in the number of EWGs established by various Codex Committees every year. However, an overall analysis of the progress made through the use of EWGs reveals that the participation of the Developing Countries is far less as compared to the participation of the developed world in these EWGs, ultimately leading to Standard Setting. The main purpose of establishing an EWG was to increase the participation from the Developing Countries which may not be able to participate in the plenary sessions due to reasons such as lack of funds and institutional support. Therefore, it is important to enlist proactive participation of the developing countries in the deliberations of these EWGs so as to make the whole process more inclusive.

Further, it is also important to have a common process for submitting nominations, common format for sending the comments to the EWGs and writing the report of the EWG, which is circulated as an Agenda and this format should be followed by all the Codex Committees.

3. Issues

EWGs have been playing an important role in facilitating the codex work, by reducing the workload of plenary sessions. EWGs give an opportunity for the Member Countries to submit their comments on every section of the draft Codex Text that is being formulated which might be difficult at the plenary. The key responsibility for an EWG is to develop a Codex text taking into consideration views from all the Member Countries under the Codex Alimentarius Commission. Gradually, over the years, Codex Alimentarius Commission has seen a sharp rise in the number of EWGs established by various Codex Committees in a year as depicted in Figure 1. With the increasing number of EWGs being established, it is important to assess the kind of impact they will have in future in the Codex Standard Development Procedure.

Figure 1: Number of EWGs established from 2004 – 2014 in various Codex Committees.

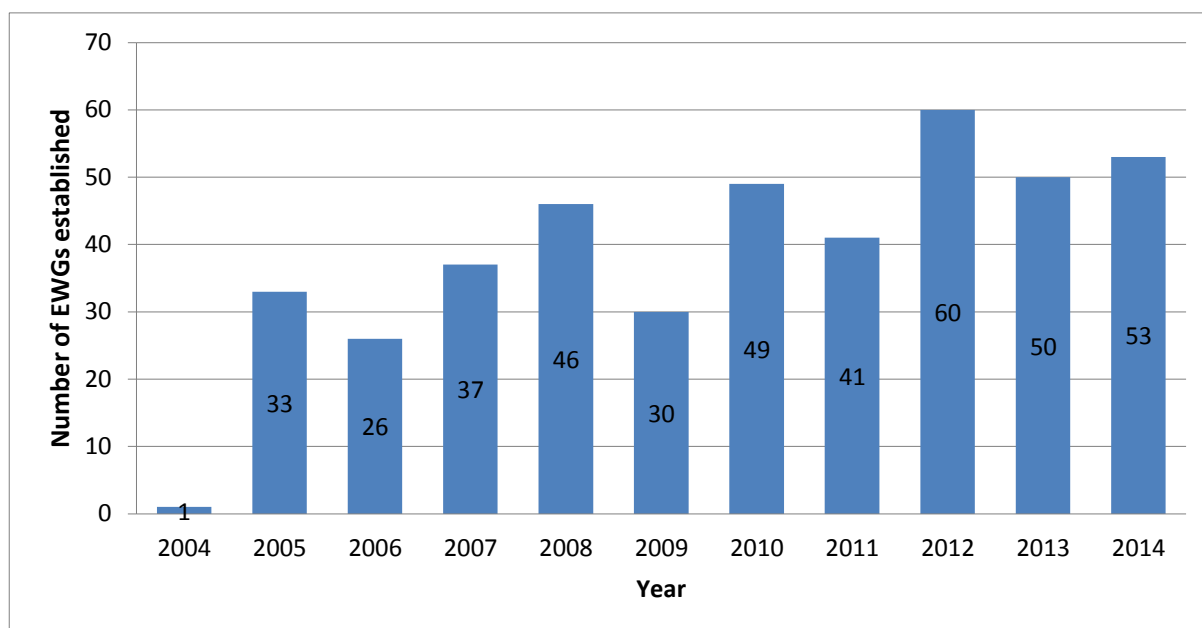


Table 1: List of EWGs established in 2013 - 2014 by various Codex Committees

Sr. No.	CODEX COMMITTEE	Number of EWGs established in 2014	Number of EWGs established in 2013
1	Codex Committee on Spices and Culinary Herbs (CCSCH)	5	-
2	Codex Committee on Fish and Fishery Products (CCFFP)	4	-
3	Codex Committee on Fresh Fruits and Vegetables (CCFFV)	2	-
4	Codex Committee on Methods of Analysis and Sampling (CCMAS)	5	3
5	Codex Committee on Food Additives (CCFA)	7	9
6	Codex Committee on Contaminants in Foods (CCCF)	9	9
7	Codex Committee on pesticide Residues (CCPR)	3	6
8	Codex Committee on Processed Fruits and Vegetables (CCPFV)	2	-
9	FAO/WHO Coordinating Committee for North America and the South West Pacific (CCNASWP)	1	-
10	Codex Committee on Food Import and Export Certification Systems (CCFICS)	4	3
11	FAO/WHO Coordinating Committee for Asia (CCASIA)	2	-
12	Codex Committee on Food Hygiene (CCFH)	5	5
13	Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU)	4	4
14	FAO/WHO Coordinating Committee for Near East (CCNEA)	-	1
15	FAO/WHO Coordinating Committee for Africa (CCAFRICA)	-	2
16	Codex Committee for Fats and Oils (CCFO)	-	6
17	Codex Committee on Food Labelling (CCFL)	-	1
18	Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF)	-	1
	Total	53	50

As mentioned above, one of the prime objectives of establishing the EWGs was to facilitate greater participation from the developing Countries, which may not be able to participate in the physical meetings.

To evaluate this objective, an analysis of participation in the 22 EWGs established in the year 2013 has been carried out. The results, as depicted in Figure-2, clearly show the preponderance of the Developed Countries in the EWGs as compared to that of the Developing Countries. A total of 549 Member Countries participated in the 22 EWGs established in the year 2013, of which 358 were Developed Countries and 74 were Developing Countries while 117 were Observer Organizations. The detailed data is enclosed at Annex-1. From the figure, it is observed that the participation of the Developing Countries is even lesser than the observer organizations. It is quite evident that the Developing Countries are not participating in the EWGs and, as a result, the practical situation of the Developing Countries fails to get reflected in the standard setting procedure of the Codex Alimentarius.

Some of the reasons for less participation from the Developing Countries may be as follows:

1. Lack of coordination at the level of NCCP
2. Lack of Technical and Institutional Capacity
3. Non – availability of reliable internet services
4. Lack of awareness about the important EWGs which may be of concern to their Country/region

Figure 2: Participation of Developed, Developing Member Countries and the Observers in the EWGs established by various Codex Committees in 2013

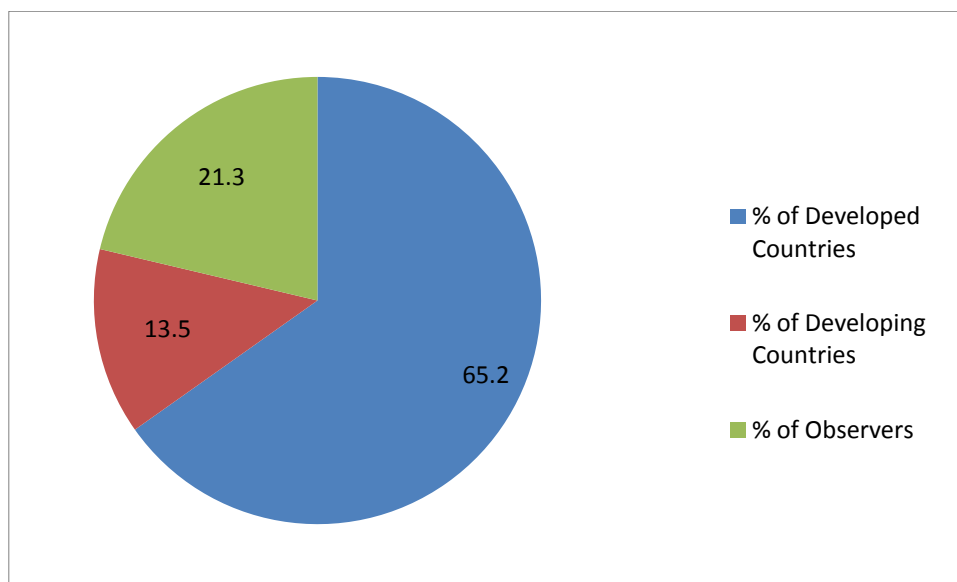


Table 2: Representation of various regions in the 22 EWGS established in the year 2013

S. No.	Regions	No. of Member Countries of the Regions that participated in the EWGs
1	FAO/WHO Coordinating Committee for Africa (CCAFRICA)	28
2	FAO/WHO Coordinating Committee for Europe (CCEURO)	122
3	FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC)	87
4	FAO/WHO Coordinating Committee for North America and South West Pacific (CCNASWP)	64
5	FAO/WHO Coordinating Committee for Near East (CCNEA)	26
6	FAO/WHO Coordinating Committee for Asia (CCASIA)	101

Figure 3: Graphical Representation of the various Regions in the 22 EWGs established in the year 2013 (the number depicts the total number of Member Countries from a region who participated in the 22 EWGs)

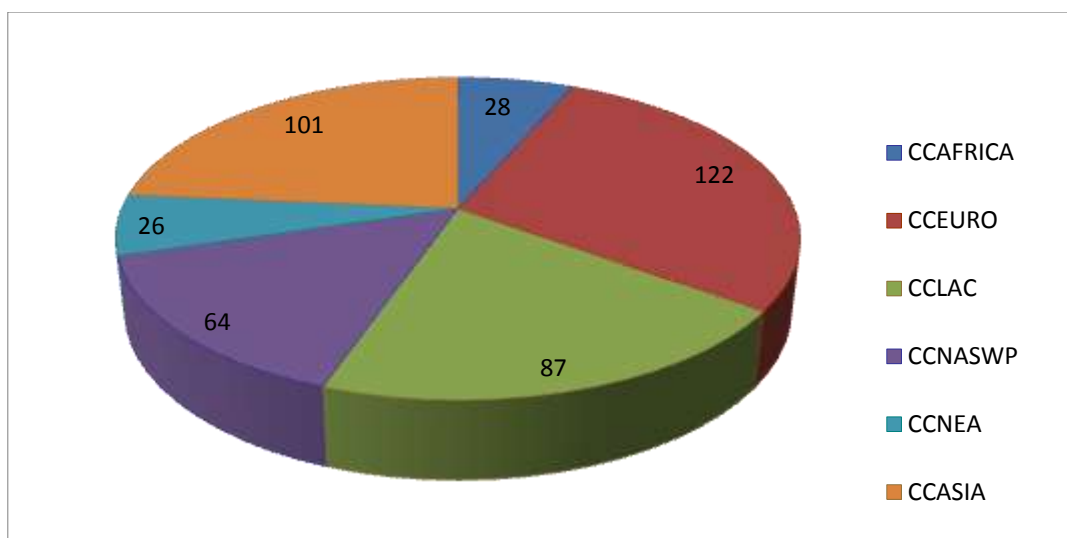


Figure 3 represents the participation of the 6 Regions in the various EWGs that were established in the year 2013. The regions that participated actively were CCEURO, CCLAC **whereas** Countries from the regions CCAFRICA and CCNEA did not participate actively in the EWGs. The point that gets highlighted here is that most of the Developing Countries fall in the regions CCAFRICA, CCNEA and CCASIA and therefore less participation from these regions.

Further, while analysing the work of the EWGs, it has been noted that there is lack of consistency in the functioning of the EWGs such as:

Different Format of the EWG Report across various Codex Committees. Codex Committees like CCCF, CCFO give a detailed list of individual participants from every Country whereas Committees like CCNFSDU, CCFA give only the list of Countries that had participated in the EWG and, on the other hand, Committees like CCFICS give no list of the participants at all.

4. Scope of review

The particular Codex guidelines to be addressed include the Guidelines on Electronic Working Groups as given in the Codex Procedural Manual. Some preliminary analysis has identified that there is less participation from the Developing Countries and lack of consistency in the formats of the EWG reports submitted by various Codex Committees.

5. Recommendation

It is recommended that the Committee agrees to initiate a review of the Guidelines of Electronic Working Groups to strengthen the same further by taking the following steps:

- To have a provision in the Successor initiative to the CTF to build the capacity of the Developing Countries to participate in the EWG both in terms of technical provisions and institutional provisions;
- To develop a universal format to prepare the report of the EWG that is further circulated as an Agenda;
- Amending the Guidelines of the EWGs in the Procedural Manual;
- The nominations of all the persons willing to contribute in an EWG from a Member Country should be routed through its NCCP;
- If more than 1 participant is nominated from a Member Country to participate in an EWG, the consolidated comments should come to the EWG Chair only from one source.

A project document will be prepared and submitted if the Committee agrees to take up this work.

Annex - 1

Comparative view of the participants in the EWGS established in the year 2013

Sr. No.	Name of the EWG	No. of Participants	Developed *	Developing *	Observers
1	Proposed draft Standard for Fish Oils - CCFO	22	17	3	2
2	Review the lists of acceptable previous cargoes - CCFO	19	12	3	4
3	Discussion Paper on Cold Pressed Oils - CCFO	18	16	2	-
4	Proposed draft Principles for the Use of Sampling and Testing in International Food Trade – Explanatory notes - CCMAS	16	12	-	4
5	Discussion paper on considering procedures for establishing criteria - CCMAS	36	23	5	8
6	Amendments to the <i>International Numbering System</i> (INS) for food additives - CCFA	23	8	2	13
7	Revision of the Guidelines for the Simple Evaluation of Food Additive Intakes (CAC/GL 3-1989) - CCFA	32	16	5	11
8	Proposals for the provisions in Table 1 and 2 of the GSFA of Table 3 food additives with: (i) “acidity regulator” function for their use for technological function other than as acidity regulators; and (ii) for other Table 3 food additives with functions other than “emulsifier, thickener, stabilizer”, “colour” and “sweeteners – CCFA	16	10	1	5
9	Food additive provisions of food category 14.2.3 “Grape wines” and its sub-categories - CCFA	18	15	1	2
10	Alignment of the food additive provisions of commodity standards and relevant provisions of the GSFA - CCFA	25	14	3	8
11	Discussion paper on use of Note 161 in provisions for selected sweeteners - CCFA	43	25	6	12
12	Review of the <i>General Standard for the Labelling of Prepackaged Foods</i> to address the issue on date marking - CCFL	46	25	11	10
13	Review of the Standard for Follow-Up Formula (Codex Stan 156-1987) - CCNFSDU	33	20	4	9
14	Proposed Draft Additional or Revised Nutrient Reference Values for Labelling Purposes in the Codex Guidelines on Nutrition Labelling (Other values than protein) – CCNFSDU	21	14	2	5
15	Proposed Draft Amendment to the Standard for Processed Cereal-Based Foods for Infants and Young Children to Include a New Part B for Underweight Older Infants and Young Children - CCNFSDU	22	14	3	5
16	Project document on guidance on performance criteria specific for methods of analysis for determination of pesticide residues - CCPR	27	21	5	1
17	Proposed draft revision to the Classification of Food and Feed – other vegetable commodity groups - CCPR	20	18	2	-
18	Discussion paper on guidance to facilitate the establishment of maximum residue limits for pesticides for minor crops specialty crops – CCPR	21	16	2	3
19	Proposed draft Annex for the prevention and reduction of Aflatoxins and ochratoxin A contamination in sorghum (Code of practice for the prevention and reduction of mycotoxin contamination in cereals) - CCCF	15	12	2	1
20	Proposed draft maximum levels for arsenic in rice and rice products - CCCF	27	19	3	5
21	Discussion paper on aflatoxins in cereals – CCCF	25	17	3	5
22	Discussion paper on the establishment of maximum levels for total aflatoxins in ready-to-eat peanuts and associated sampling plan - CCCF	24	14	6	4
	Total	549	358	74	117

* World Bank List of Economies July 2014

GUIDELINES ON ELECTRONIC WORKING GROUPS

Introduction

The search for worldwide consensus and for greater acceptability of Codex Standards requires the involvement of all the Members of Codex and the active participation of developing countries.

Special efforts are needed to enhance the participation of developing countries in Codex Committees, by increased use of written communications, especially through remote participation via email, internet and other modern technologies, in the work done between sessions of Committees.

Codex Committees, when deciding to undertake work between sessions, should give the first priority to considering the establishment of electronic working groups.

The Rules of Procedure and the guidelines governing the work of a Committee shall apply, *mutatis mutandis*, to the electronic working groups this Committee establishes, unless stated otherwise in these Guidelines.

The Guidelines applying to electronic working groups established by Codex Committees, as described in these Guidelines, apply also to those established by Regional Coordinating Committees and by Codex *ad hoc* Intergovernmental Task Forces.

Composition of Working Groups Membership

Membership of an electronic working group is notified to the chairperson of the Codex Committee and to the host country secretariat of the Committee. When establishing an electronic working group, a Codex Committee should ensure, as far as possible, that the membership is representative of the membership of the Commission.

Observers

Observers should notify the Chairperson of the Committee and the host country secretariat of the Committee, of their wish to participate in a working group. Observers may participate in all the activities of an electronic working group, unless otherwise specified by Committee members.

The provisions of the "Guidelines to Host Governments of Codex Committees and *ad hoc* Intergovernmental Task Forces", the "Guidelines on the Conduct of Meetings of Codex Committees and *ad hoc* Intergovernmental Task Forces", the "Guidelines to Chairpersons of Codex Committees and *ad hoc* Intergovernmental Task Forces" and the "Guidelines on Physical Working Groups" are especially relevant in this matter.

Organization and Procedures

Codex Committees may decide that the electronic working group will be managed by the Host Government Secretariat, or by another member of the Commission, having volunteered to undertake this responsibility and having been accepted by the Committee (hereinafter "the Host"). The Host should be notified of the participants in an electronic working group by Codex Members through their Codex Contact Points and by Observer organizations.

Management

The Host is responsible for the management of the electronic working group for which it has been appointed. The business of an electronic working group is transacted exclusively by electronic means.

Secretariat

The Host is responsible for providing the secretariat of the electronic working group with all services needed for its functioning, including suitable Information Technology (IT) equipment, and should meet all the requirements agreed upon by the Committee.

Duties and Terms of Reference

The terms of reference of the electronic working group shall be established by the Committee during its plenary session, shall be limited to the immediate task at hand and normally shall not be subsequently modified.

The terms of reference shall clearly state the objective(s) to be achieved by the establishment of the electronic working group and the language(s) to be used. Interpretation and translation services should be provided in all languages of the Committee, unless decided otherwise by the Committee. The terms of reference shall clearly state the time frame by which the work is expected to be completed. The electronic working group shall be dissolved after the specified work has been completed or when the time limit allocated for the work has expired or at any other point in time, if the Codex Committee which has

established it, so decides. No decision on behalf of the Committee, nor vote, either on point of substance or of procedure, shall take place in electronic working groups.

Electronic Working Group Notification and Programme of Work A notice indicating when the electronic working group starts to operate and a programme of work shall be prepared, translated and distributed by the Host to all Members and Observers who have expressed the willingness to contribute.

Organization of Work

Circulation of drafts and calls for comments shall include a request for the names, positions and e-mail addresses of all the persons willing to contribute to the business of the electronic working group. Comments from participants should be submitted exclusively by electronic means. These submissions shall be circulated to all concerned by the Host. Any participant should be made aware of the materials contributed by all others. An update on the progress of its work shall be presented by the Host at each session of the Codex Committee which has established it, indicating the number of countries having sent contributions by mail. A compilation of these contributions should be made available.

Preparation and Distribution of Materials

Materials should be sent to the secretariat of the Host, in good time. The Host is responsible for the distribution of all the materials submitted by a participant during the business of the electronic working group to all other participants of the electronic working group. Attention should be given to constraints of a technical nature (file sizes and formats, limited band width, ...) and special care should be taken to ensure the widest distribution of all the available materials.

Conclusions

As soon as possible after the end of the business of an electronic working group, the secretariat of the Host should send a copy of the final conclusions, in the form of either a discussion paper or a working document and of the list of participants to the Joint FAO/WHO Secretariat and to the host country secretariat of the Committee. The conclusions of an electronic working group and the list of participants shall be distributed to Codex Contact Points and observers by the Joint FAO/WHO Secretariat in time to allow full consideration of the electronic working group's recommendations.

The Joint FAO/WHO Secretariat should ensure that these conclusions are included in the distribution of papers for the next session of the Codex Committee, which has established the electronic working group.