codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

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Agenda Item 3 **CX/NASWP 02/3 – Add. 1**
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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

COORDINATING COMMITTEE FOR NORTH AMERICA AND THE SOUTH-WEST PACIFIC
Seventh Session
Vancouver, Canada, 29 October – 1 November 2002

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

I - Introduction

1. At its meeting in June, the 50th session of the Codex Executive Committee (report provided as Annex 2 for ease of reference) welcomed the evaluation and raised issues that would contribute to the progress of the Evaluation and its potential outcome. Members emphasised:

- the importance of the core of Codex work: science-based standards, guidelines and recommendations for food safety and strengthening of scientific risk analysis;
- the major aims of the evaluation should not be sidelined by the consideration of other issues, including cultural and ethical issues;
- management issues should be adequately covered;
- increasing the participation and influence of developing countries in the decision-making process;
- providing adequate resources for the expert scientific bodies and the Codex Secretariat itself; and
- increased participation of WHO in the work of Codex.

2. In line with the requests of the FAO Programme Committee in May 2002 and the 50th Session of the Executive Committee of Codex, the following actions were taken to strengthen the evaluation process:

- The evaluation team membership was revised to obtain wider cultural and national balance and the make-up of the independent expert panel for the evaluation was increased to give greater regional representation, with new members on the panel from China, Brazil and Morocco[1]. The current make-up of the evaluation team and expert panel are provided as Annex 1 to this report;
- The decision was also taken to further increase the number of countries being visited by the evaluation team to 24 and the European Commission, to ensure the fullest representation of different views. The countries and international organizations visited by the evaluation team are summarised below;
- WHO agreed to present 2004-05 proposals for food standards work to its Executive Board meeting in January 2003 but to present the evaluation report itself at the time of the World Health Assembly in May 2003, in coincidence with the FAO presentation to its Governing Bodies through the Programme Committee; and
- To further aid transparency a web-page exclusively on the progress of the evaluation is being maintained on the Codex Web-site, with a link to the FAO Evaluation Website.

[1] The member designated from Morocco has been unable to attend meetings and evetually particiapte in the work of the panel.

3. A draft of the evaluation report for comment and suggestions has now been submitted to the Chair and three Vice-Chairpersons of Codex and also to the managements of FAO and WHO. The comments and discussion of them was arranged to be completed before the end of October and the evaluation report is expected to be available fully translated at the end of November/beginning of December 2002.

4. This will provide the opportunity for all Codex members to discuss the report at a Special Session of the Codex Alimentarius Commission which will be convened in mid-February 2003, prior to discussion in the FAO and WHO Governing Bodies.

II - Evaluation Activities

Visits to Countries and International Organizations

5. Country visits were designed to provide case studies of more in-depth information than is available from country questionnaire responses. In particular to:

- obtain views, representative of countries which may not fully complete the questionnaire;
- discuss with national non-governmental stakeholders (agricultural and fisheries producers, food processors, agricultural input supply business, consumers);
- provide the opportunity to explore a wider range of issues that may arise in discussion without having been foreseen in the questionnaire;
- understand the nuances underlying national positions;
- review any FAO or WHO capacity building activities; and
- hold discussions with FAO and WHO Offices.

6. The initial country visits also provided the opportunity to discuss issues which might be included in the questionnaire to countries and observers.

7. Using a formalised set of criteria for selection of sample countries[2], the country visits were completed in August as follows:

- Africa: Côte d'Ivoire, Mozambique; Senegal; South Africa, Tanzania;
- The Americas: Argentina, Canada, Costa Rica, Mexico, USA;
- Asia and Pacific: Australia, Bangladesh, Fiji, India, Indonesia, Japan, Philippines, Thailand;
- Europe: EU Commission and Council, France, Netherlands, Hungary, Switzerland;
- Near East: Egypt and Jordan.

8. In addition to FAO and WHO offices, other international organizations setting standards and those concerned with the application of standards in trade have been visited to assess lessons which could be useful for Codex and also to examine any areas where harmonisation and complementarities in work could be improved. These have included:

- Inter-American Institute for Cooperation in Agriculture (IICA)
- International Organisation for Standerdization (ISO)
- Organization for Economic Cooperation and Development (OECD)
- United Nations Conference on Trade and Development (UNCTAD)
- United Nations Economic Commission for Europe (UN-ECE)
- World Organisation for Animal Health (OIE)
- World Trade Centre (WTC)
- World Trade Organization (WTO)

[2] The criteria used in selecting countries were designed to ensure a cross-section by: region; income-level; size; involvement in international food trade as importers and exporters; extent of food safety-health risks; receipt of FAO and WHO capacity building activities; and involvement in Codex.

Questionnaires and the Public Call for Comments

9. Formal questionnaires were sent to all Codex and other FAO and WHO member countries. They have also been sent to all Codex observers. Replies were received in July and analysed for consideration by the evaluation team and expert panel. One hundred and three responses to the country questionnaire were received out of 186 sent out.

10. The initial public call for comments elicited some 60 replies from individuals and organizations which have also been reviewed by the evaluation team and expert panel. This was followed-up with a questionnaire addressed specifically to national organizations, which was made available for completion on the Web and 52 replies were received.

Annex 1: The Evaluation Team and the Expert Panel

Evaluation Team:

Team Leader:

Professor Bruce Traill (UK): Head of Department of Agricultural and Food Economics, University of Reading, UK: Prof. Traill has a Ph.D. in Economics from Cornell University and has a distinguished academic record, having published widely on the food industry. He is a past editor of the Journal of Agricultural Economics and is associate editor of the journal, Agribusiness. Professor Traill served for five years as a Principal Scientific Officer of the Commission of the European Communities, heading teams dealing with science and technology issues in food. He has also worked in the South Pacific.

Members:

Rachel Bedouin (FAO evaluation staff) has a Masters' degree in Economics from Université Paris 9. Prior to taking up her current post in evaluation, she has worked extensively on food security issues and on rural investment in the developing world.

Katharine Gourlie (Canada) has a degree in Pharmacy and was in Canadian Government Service where she was Director-General of the Consumer Products Branch in Industry Canada (responsible for development and delivery of consumer protection policies and regulatory, compliance and enforcement programs). She headed her country's delegation to Codex and served as Chair of the Committee on Food Labelling as well as leading work in a number of sub-committees in international trade negotiations. Since 1995, she has headed her own consultancy firm undertaking national and international assignments concerned with consumer protection and food safety.

Jerri Husch (WHO evaluation staff) has a Ph.D. in Sociology from the University of Massachusetts. She has worked as an assistant professor and extensively with international organizations, including ILO and WHO on human and policy aspects of drug abuse, primary health care and health management.

Alicia Lustre (Philippines) has a Ph.D. in Food Science from the Massachusetts Institute of Technology (MIT). She is currently Director of the Food Development Center of the Philippine Department of Agriculture, which is responsible for a programme of research and development, training, food testing and quality control and certification for the food industry. She has travelled widely, participating in meetings and assignments with international organizations for food regulatory matters, including heading her country's delegation to the Codex Committee on Food Additives and Contaminants. She is Vice-Chair of the ASEAN Sub-Committee on Food Science and Technology.

The Expert Panel:

Chairperson:

Alejandro Cravioto MD (Mexico), Dean Faculty of Medicine, Facultad de Medicina, Universidad Nacional Autonoma de Mexico (joint FAO-WHO nominee).

Members:

Irina du Bois (Switzerland), Vice President, Head of Regulatory Affairs and Environment Nestec Ltd.

Ken Buckle Ph.D. (Australia), Professor and Associate Dean, International Development, Faculty of Science, University of New South Wales, President of the International Academy of Food Science and Technology.

Dilma Scala Gelli (Brazil), Chief, Food Microbiology Laboratory, Instituto Adolfo Lutz Public Health Laboratory, State of San Paulo.

Spencer Henson Ph.D. (U.K.) Associate Professor, Department of Agricultural Economics and Business, and Department of Consumer Studies, University of Guelph.

Anwarul Hoda, Professor (India) Indian Council for Research on International Economic Relations, former WTO Deputy Director-General.

Liu Xiumei (China) MD Professor and Director Department of Microbiology and Natural Toxins, Chinese Center for Disease Control and Prevention.

Diane McCrea (U.K.) (independent consultant) Former Representative Consumers International.

Ruth K. Oniang'o Ph.D. (Kenya) Professor of Food Science and Nutrition, Jomo Kenyatta University of Agriculture and Technology.

Kaye Wachsmuth PhD (USA) Former deputy administrator for the Office of Public Health and Science in the Food Safety and Inspection Service USA and Chairperson of the Codex Committee on Food Hygiene.

Annex II: Report of The Fiftieth Session of the Executive Committee of the Codex Alimentarius Commission[3], Rome, 26-28 June 2002 Agenda Item 2 Joint Evaluation of Codex Alimentarius and Other FAO and WHO Work on Food Standards

7. The representative of the Evaluation Service of FAO introduced the agenda item on behalf of the evaluation units of both FAO and WHO. He noted that the evaluation was unique in many respects, not the least of which being that it was a joint evaluation of a joint programme. Moreover, the programmes in question were of major importance to all countries, dealt with issues that were very much in the public eye, and at the most fundamental level dealt with questions of human health and the opportunities for economic development to tackle poverty a root cause of malnutrition and ill-health . The representative pointed out that the evaluation had been called for first and foremost by the governing bodies of FAO and WHO, but that it was also designed to serve the needs of the Commission and its members.

8. The principles upon which FAO and WHO were undertaking the evaluation were those with which the Organisations were required by their governing bodies to carry out evaluations of their programmes, in particular a review of the conformity with organisational priorities, usefulness and cost-effectiveness, independence of the evaluation process, and comprehensiveness. In common with other evaluations, the Evaluation was expected to be forward-looking and provide recommendations that could be realistically implemented by the Organizations.

9. In addition to the review announced at the 49th Session of the Executive Committee of the management, structures and procedures of Codex itself, FAO and WHO would evaluate the capacity-building needs of Member countries to protect the health of their people, to facilitate their exports by meeting the requirements of importing countries, and to be able to participate in the Codex process. They would also examine the effectiveness of the expert bodies which provide much of the scientific support to Codex decision-making, and the relationship with other standardizing bodies such as the OIE, IPPC and ISO.

10. The representative noted the concerns expressed by member countries in FAO's Programme Committee and elsewhere concerning the transparency of the evaluation procedure, including the establishment of the Terms of Reference, and the adequacy of regional representation in the process, in particular the Independent Expert Panel. He indicated that regional balance had been strengthened and every effort was being made to pursue the evaluation with a transparent process.

11. Prof. Bruce Traill, Leader of the Evaluation Team, provided the Executive Committee with a status report of the evaluation to date, and outlined the approaches being taken by the Evaluation Team to gather information from all sources in order to arrive at a comprehensive and useful evaluation. Prof. Ken Buckle, Acting Chairman of the Independent Expert Panel, provided a report on the Panel's activities and expectations. They described the linkages between the work of the Team and the Independent Panel to provide a forward-looking, evidence-based report to the parent Organizations.

12. The Executive Committee welcomed the evaluation and the assurance that it would be addressing specific needs for strengthening of Codex. Several Members of the Executive Committee raised concerns about the Evaluation process as it had proceeded to date. All Members of the Executive Committee raised issues that would contribute to the progress of the Evaluation and its potential outcome. In general, the Executive Committee welcomed the responses made by the parent Organizations to the problem of ensuring adequate regional representation in the Independent Expert Panel. The Executive Committee was of the opinion that the process used for determining the terms of reference of the evaluation had not been as transparent as it could have been.

13. All of the Members of the Executive Committee that spoke expressed the view that the main core of Codex work, the science-based Codex standards, guidelines and recommendations for food safety should be maintained. Many Members expressed concern that the major aims of the Evaluation should not be sidelined by the consideration of other issues, including cultural and ethical issues; however, one Observer was of the opinion that cultural and ethical issues should not be overlooked.

[3] ALINORM 03/3A paragraphs 7-19

14. Some Members stated that Codex should continue to work within its current mandate and that the Evaluation should concentrate on management issues including establishment of priorities, increasing the participation and influence of developing countries in the decision-making process, providing adequate resources for the expert scientific bodies and the Codex Secretariat itself, and the increased participation of WHO in the work of Codex. It was also noted that the linkages with the WTO/SPS Agreement required the strengthening of scientific risk analysis within the guidelines set out in the Codex Strategic Framework.

15. It was pointed out by one Member, that Codex needed to respond to two parallel mandates; the protection of consumers' health and the assurance of fair practices in the food trade. In this regard, it was pointed out that this second mandate needed to be based on adequate and appropriate criteria if Codex standards were to maintain their credibility in the international market-place; a balance between these two aspects of the Codex mandate needed to be established.

16. The Executive Committee noted that the time-frame for the Evaluation was extremely short given the scope of the Evaluation, and in particular the need for adequate time for Members to review and analyse the Evaluation Report prior to its consideration by the Governing Bodies of the Organizations. There was also a general feeling that the outcome of the evaluation should be discussed within the framework of Codex, overall and at a regional level. It was foreseen that the Evaluation Report would be available at the end of November 2002. It was proposed that in addition to consideration of the Evaluation report by the Executive Committee at a special session (as was foreseen in the Terms of Reference), it would be preferable to have a plenary meeting of the Codex Alimentarius Commission to allow the Member countries to express their views on the outcome of the evaluation before the recommendations go to the governing bodies. This would help to increase the level of participation and transparency in the consultation process. It would allow for equal treatment of the Commission's views by the Governing bodies of the two parent Organizations and would facilitate the Commission taking account of the evaluation in its medium-term planning. The Executive Committee noted however the financial implications that holding an additional session of the Commission would have for remote developing countries.

17. The Representative of WHO noted that such a proposal would be possible within the framework of the WHO's budgeting cycle for the biennium 2004-2005. For the World Health Assembly in May 2003 to take a definitive decision, the Commission's recommendations would have to be known by the end of February 2003; while initial budgetary provisions would still need to be considered by the WHO Executive Board's meeting in January 2003. It was noted that FAO's main cycle of programme and budgetary meetings for 2004-2005 would commence in May 2003 and that they also had a March deadline on documentation.

18. The Executive Committee welcomed the opportunity for additional time to consider the Evaluation. On this basis, it requested the Directors-General to convene a special 3-day session of the Commission in mid-February 2003 for the purpose of considering the Evaluation report; the session to be preceded by a meeting of the Executive Committee as provided for in Rule III.4 of the Commission's Rules of Procedure. It also requested the Secretariat to re-arrange the time-table of Codex meetings to ensure that all Regional Coordinating Committee meetings will have met prior to this special session of the Commission. Furthermore, the Executive Committee agreed that the Evaluation should be included on the Provisional Agendas of all Regional Coordinating Committees, although it noted that in some cases it would only be possible to provide a report on the progress of the evaluation rather than a review of its recommendations. In these cases, the Executive Committee recommended that the Regional Coordinators and the Members elected on a regional basis should consult with the Member countries in their respective regions immediately after the issuance of the Evaluation report with a view to ensuring a fully informed debate at the special Commission session.

19. The Executive Committee expressed its appreciation to Professors Traill and Buckle for their valuable contribution to the present debate and to the evaluation units of FAO and WHO for the information provided.