

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 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda Item 3

CX/GP 16/30/3 Add.2

April 2016

Original language only

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON GENERAL PRINCIPLES

Thirtieth Session

Paris, France, 11 - 15 April 2016

CODEX WORK MANAGEMENT AND FUNCTIONING OF THE EXECUTIVE COMMITTEE

TERMS OF REFERENCE OF SECRETARIAT-LED INTERNAL REVIEW (PHASE-1)

Comments submitted by Brazil, Ghana, Kenya, New Zealand, the Philippines, Thailand and African Union

BRAZIL

General comments

As other countries have proposed, Brazil would like to suggest that Phase 1 which is proposed to start after the 39th CAC should include some discussion of these questions at the Regional Coordinating Committees since the Regional Coordinators play a strategic role in the Executive Committee.

We noted that Codex Procedural Manual clearly demarcates the roles of the Executive Committee and the Commission. In this respect, the Codex Procedural Manual should be fully respected. CCEXEC should take its own responsibility in following the procedure. The ability of the CCEXEC mainly depends on the ability of its members. However, in our point of view, the CCEXEC procedures have one main problem: Members of the Executive Committee elected on a geographic basis and the Regional Coordinators become members and finish their mandates usually at the same time. Therefore, for the benefit of the Committee, experience accumulated by both representatives of the CCEXEC should not be lost at the same time. We suggest that they are elected in different periods.

Specific Comments

2. Review Framework

2.2 Key Questions and scope

Members and observers have identified a range of issues to be evaluated which have been summarized in four key review questions:

- Is CCEXEC able to operate, to the extent required a strategic function for the Codex Alimentarius Commission? **Explain your answer.**

Rationale: Brazil would like to suggest adding the phrase "Explain your answer" in order to have more information than yes or no.

The Review will not assess the issues regarding the structure and function of the Codex subsidiary bodies and the Codex decision-making process which could form part of the scope of an external review.

Rationale: Brazil supports the view that the Review should not assess the structure and function of the Codex subsidiary bodies and the Codex decision-making process. However, we consider that an external review should be decided after broad discussion at the CAC and Regional Coordinating Committees after the implementation of the agreed recommendations of Phase 1 established in the item 4.3 (timetable) of the document CX/GP 16/30/3.

Furthermore, an external review represents a waste of resources for the Codex as there are more pressing budgetary priorities.

3. Review Methodology

We have concerns regarding the review methodology. Particularly:

- How will the questions be formulated and validated either to minimize the likelihood of misinterpretation or to assure that the elements of the TOR review are covered?

Our previous experience in discussing Codex Work Management and Functioning of the Executive Committee, (CL 2015/20-CAC), and the possible different interpretations of questions by respondents and of the results by the evaluators, leads us to urge extreme caution on this point, especially if respondents do not have a common understanding of the questions and how results will be evaluated. It is vital that the questions are validated to ensure a common interpretation among the respondents.

We think that a better understanding of how and whom the review will be conducted with is essential before we can reach agreement on the TOR.

4. Organisation

4.2 Review team competencies and composition

We would like to have some clarification regarding the management consultant and if it will be an external or internal consultant, how the consultant will be hired and how its TOR will be defined.

4.3 Timetable

The Regional Coordinating committees will be an important component of this review and we would like to see this proposal added to the timetable in 2016.

GHANA

General Comments

Ghana wishes to thank the Codex Secretariat, FAO and WHO for preparing the document on Codex Work Management and functioning of the Executive Committee

Term of Reference for Secretariat-led internal review (PHASE-1) (CX/GP 16/30/3).

The Commission envisioned the need to ensure the effectiveness of Codex processes and has amply captured this activity in Strategic goal 4 of the Codex Strategic Plan 2014-2020 which reads "Implement effective and efficient work management systems and practices". The Codex strategic plan therefore has adequate provisions for ensuring the continued efficiency and effectiveness of Codex work management systems and practices. If a review is to be conducted on Codex work management, Strategic goal 4 should form the basis for such a review.

Although the CCEXEC plays a very important role with respect to Codex work management, we are of the opinion that a review of the effectiveness of work management practices goes beyond the functioning of CCEXEC. A broad-based review with a wider scope which focuses on discussions and recommendations of CAC39 and taking into account activities within the Codex Strategic Plan 2014-2020 may better help in the conduct of a more comprehensive evaluation of the effectiveness and efficiency of Codex work management.

Considering that the implementation of the current Codex Strategic Plan will be completed in 2020, it may be useful to conduct a review after this period. This will allow for sufficient time to assess the effectiveness of work management activities. The funds allocated for the Secretariat-led internal review could be used for the implementation of the activities of the current strategic plan to enhance national Codex work.

Specific Comments

Ghana looks forward to having broader discussions on review of Codex work management, however, we wish to make the following specific comments.

para 13-17, page 3 - Approach

Position: We recommend that the scope of CX/GP 16/30/3 should be expanded to reflect key issues discussed and concluded by CAC38.

Rationale: The current scope of CX/GP/16/30/3 is limited and does not fully address conclusions of CCEXEC69 and CAC38, informal discussions at CCGP29. A consolidated working document as directed by CAC38 (Rep 15/CAC, para 106 d (ii)) which takes into account analysis of all the key issues which impact on Codex work management procedures and practices would ensure a more informative discussion on the subject of Codex work management. Such an approach would further ensure that critical issues which could contribute to the effectiveness of Codex work management are not overlooked.

Para 27, page 4 - Recommendations

Position: The request for CCGP30 to review only the ToR (Annex) falls short of the direction given by CAC38 to CCGP30.

Rationale: CCGP30 should have formal discussion on a consolidated document which takes into account the conclusions from CAC38 (REP15/CAC, para 106 d ii-iv), especially addressing the six key areas and the reasons leading to their identification. The current document appears not to reflect the “consolidated document” expected to be the basis for discussion at CCGP30.

Specific Comments on Terms of Reference (Annex)

If the Terms of Reference is to be reviewed at all, we would have the following comments.

Position 1:

2.1 Purpose:

We suggest modifying and introducing new bullets as follows: Bullet 1: Assess the efficiency and effectiveness of the CCEXEC in relation to its functions as the executive organ of the Codex Alimentarius Commission. to understand how Codex is managed at the executive level.

Rationale: Information on how Codex is managed at the executive level is already detailed in the Codex Procedural Manual and publicly available. Assessment of the CCEXEC based on its mandates would provide more useful information on its ability to be efficient and effective.

2.2 Questions and Scope

Key Review Questions

General comments: The functions of the CCEXEC defined in the Codex Procedural Manual should form the basis of questionnaire to determine the effectiveness of CCEXEC. Such an approach has direct bearing on the functions of CCEXEC and could help obtain more useful information about the effectiveness of the CCEXEC.

Key review question (i) - What should be the respective roles and responsibilities of the Codex Alimentarius Commission and CCEXEC?

Position: We do not support the inclusion of this question. Consider deleting the question.

Rationale: The roles and responsibilities of CCEXEC and CAC are defined as per Article 1, 5, 6, 7 and 8 of the statutes of the Codex Alimentarius Commission.

Paragraph 4 (Scope of the review): “The Review will not assess the issues regarding the structure and function of the Codex subsidiary bodies and the Codex decision making process, which could form part of the scope of an external review”.

Position: We do not support the current scope of the review.

Rationale: We note the fact that the Review will not assess the issues regarding the structure and functions of the Codex subsidiary bodies and the Codex decision making process and that these elements could form part of the scope of an external review.

However, we understand that the functions of CCEXEC and Codex Subsidiary bodies are interdependent. The principal function of CCEXEC is to ensure the smooth and timely elaboration of Codex standards. The issue of timely elaboration of Codex standards revolves around several elements such as the functions of the subsidiary bodies, the Codex decision-making process, and timely distribution of documents etc.

A more broad-based approach should be employed to ensure that the review leads to an overall improvement in the work of the CAC.

3 Review Methodology

General comments: We notice that the terms “stakeholders” and “other stakeholders” has been used in CX/GP 16/30/3 and in the Strategic Plan 2014-2019. These words are not defined in the Codex Procedural Manual. To ensure common understanding and consistency in the use of language, Codex documents should reference participants as “members”, “observers” and “non-members” until such a time that the Commission will define the terms “stakeholders” and “other stakeholders”.

3.1 Approach and tools

Bullet 1: Previous Officers of the Commission should be included in the review. These officers have gained experience in Codex work over time and could be useful in providing the necessary information.

4 Organization

We seek clarification on the involvement of a Management Consultant in an internal review team.

KENYA

Codex Work Management and Functioning of the Executive Committee

2. CAC38 agreed on the process to define the scope and the timeline of Phase 1 of the Secretariat-led internal review2:
3. This matter will be considered under Agenda Item 3.

Comment: Kenya agrees with the process to go on in defining the codex work management and functioning of the executive committee as considered in agenda item 3.

NEW ZEALAND

New Zealand welcomes this opportunity to submit the following comments on the terms of reference for a Codex Secretariat led internal review of Codex work management and functioning of the Executive Committee:

General Comments

New Zealand believes that there is inadequate emphasis in the terms of reference to the issue of Codex work management practices. While role and functioning of the Executive Committee and broader strategic governance issues are important, the major driver for the proposed review arose from the discussions on the need to review and streamline Codex work management practices in order to improve the overall efficiency of standards development processes and enable the Commission and its subsidiary bodies to proactively address emerging food safety issues and advance standards in a timely and efficient manner. New Zealand has consistently called for greater flexibility in the way Codex subsidiary bodies communicate and operate to enable the Commission to address and deal with issues that do not fit neatly within existing committee structures and subject areas.

Purpose

New Zealand supports the purpose of the review as set out in section 2.1 on the understanding that the review and recommendations will clearly address all the critical work management practices including the issue of cross committee collaboration to advance issues in a timely and efficient manner.

Key questions

Some of bullet points listed under this section need further clarification. In particular New Zealand questions the rationale and basis for including the question of alignment with policies of the parent organizations FAO and WHO. From our observation, the relationship between Codex and the parent bodies is well defined and remains strong and we believe that communication between the organizations and programme oversight arrangements appear to be working well. We believe there is a right balance in terms of interactions between Codex and the parent bodies both in terms of strategic oversight and programme management.

The question about 'visibility and relevance of the Codex Alimentarius Commission' also needs further explanation so that we are all clear about the underlying issues and concerns.

Consultation process

The forthcoming meetings of regional coordinating committees present an ideal opportunity to canvass the views of wider membership. To this end, New Zealand would like to suggest that the issues and questions to be covered in this review be included for discussion at forthcoming regional coordinating committees. This approach would greatly strengthen the review process and help the review process to obtain a more broad based feedback.

We agree with the proposition that the internal review will focus on Codex work since 2009.

3.2: To avoid any ambiguity New Zealand would like to propose that the first bullet is amended to clarify that the primary stakeholders are the members and observers of the Codex Alimentarius Commission.

Timeframe

New Zealand acknowledges the need to commence the review process as expeditiously as possible to enable the 2017 session of the Commission to consider the outcomes and actions going forward.

PHILIPPINES

We support the (a) conduct of the Secretariat-led Internal Review and (2) the proposed TOR for the review. The Review will formally determine the basic issues of management/governance in the Codex and be used as basis to further determine the needed reforms in Codex management to enable Codex to achieve its mandate. We note the discussions on this agenda item in the 29th session of the CCGP and we believe the formulation of the TOR for this formal review took into account all earlier discussions of the CCGP.

We likewise affirm our support to the focus or scope of the Review, that is, the review will not cover the structure and function of the Codex subsidiary bodies and the Codex decision making process, which would form part of scope of an external review.

Further, based on the discussions in 29th session of the CCGP and the key areas identified by CEEXEC70, the review can consider the following: (a) strategic governance; (b) responsiveness to emerging issues; (c) effectiveness and representativeness of CEEXEC; and (d) efficiency of CEEXEC and CAC.

THAILAND

First of all, Thailand appreciates the effort of Codex Secretariat, FAO and WHO for preparing the term of reference for internal review in phase I.

In general, we agree with the scope of internal review that is only limited to work management and functioning of Executive Committee and Commission. We believe that the output will be robust and achieve the appropriate ways to increase effectiveness and efficiency. This will lead to motivate the development of work management of the other subsidiary bodies. In addition, Thailand agrees with the roles and responsibilities of Codex secretariat, FAO, WHO and CCGP proposed in the term of reference.

Specific Comments

We would like to provide comments on key review questions addressing in Section 2.2 as follows:

- (i) What should be the respective roles and responsibilities of the Codex Alimentarius Commission and CEEXEC on current work and emerging issues?

Rationale: The outputs on current work can reveal the solutions for routine works whereas emerging issues are also crucial for Codex and are given as a key goal under Codex Strategic Plan 2014 – 2019.

- (ii) Is CEEXEC able to operate, to the extent required, in order to perform a strategic function for the Codex Alimentarius Commission?

- (iii) What are the necessary elements / **resources** required to ensure CEEXEC performs an effective strategic function for the Codex Alimentarius Commission?

Rationale: Apart from core elements such as facilities, we are of the view that the resources needed for working, in particular, both financial and technical support should be also taken into account. The increase of effectiveness of Codex works can be supported by staffs who have skills and competencies. Likely, technical and scientific supports can facilitate the works and help to complete works within the timeframe.

- (iv) What are the current practices that should be maintained and what changes or new initiatives could be considered?

- (v) **What are the mechanisms and how to strengthen a more effective linkage between either CAC or EXEC and their parent organizations?**

Rationale: We are of the opinion that the linkage between Codex and parent organization, FAO and WHO, should be reviewed due to the fact that the visibility of Codex and Codex works can promote better management as well as improve communication and increase essential supports.

AFRICAN UNION

Issues: The objective of the review is to determine whether the Codex strategic governance, work management systems and practices of Codex and the support provided by the CEEXEC are adequate to ensure that the CAC remains efficient and effective.

Discussions for a possible review of the Codex work management and functioning of the CCEXEC began with a discussion paper prepared and presented by Japan in 2014 to the 28th Session of CCGP. Following the discussion paper presented by Japan, discussions on the issue of review have mainly focused on a working document prepared by the Codex Secretariat in collaboration with FAO and WHO (CX/GP 15/29/6 and CX/GP 15/29/6 Add.1). The Secretariat-led working document was essentially based on the 42 recommendations of the Joint FAO/WHO 2002 evaluation of the Codex Alimentarius Commission and other FAO and WHO work on food standards. This 2002 evaluation was presented at the 25th Extraordinary session of the CAC in 2003. The Secretariat-led working document has been discussed by the 29th Session of CCGP (2015), 69th and 70th Sessions of CCEXEC (2014 and 2015) and the 37th and 38th Sessions of CAC (2014 and 2015). At the 38th CAC, the Commission agreed to the recommendation that a two-stage review process, first an internal and Secretariat-led (Phase 1) and then external (Phase 2) could be undertaken in order to evaluate the work management of Codex. The current working document (CX/GP 16/30/3) is supposed to be a consolidated document which takes into account discussions and comments in the process up to now. The document defines the Terms of Reference (ToR) for the conduct of an internal and Secretariat-led (Phase 1) review of Codex work management and functioning of the Executive Committee.

General Comments

The AU wishes to thank the Codex Secretariat, FAO and WHO for preparing the Terms of Reference for a Secretariat-led internal review of the Codex work management and functioning of the Executive Committee.

Whilst AU supports the principle of using review as management tool to improve processes, we are not convinced that the review being proposed is timely and may not lead to the judicious use of resources. From 2009 when the implementation of the recommendations of the 2002 Evaluation of Codex was considered complete, we do not consider the lapse of seven years to be long enough to fully appreciate the impact of the implementation. Thus a review or new evaluation may be premature at this time. In this regard, the funds allocated for the review could be used in building and/or strengthening the capacity of national Codex functions through FAO/WHO capacity building initiatives, or used by the Codex Secretariat for translation and timely availability of documents in all working languages.

The Strategic Goal 4 of the Codex Strategic Plan 2014-2019 serves as a useful framework for conducting continuous review and focuses on creative and pragmatic ways of applying the existing procedures. Hence in the context of the Strategic Plan, there are already inbuilt internal mechanisms for ensuring the efficiency and effectiveness of the whole Codex Programme.

Although the proposed review appears to focus primarily on the functions of the Executive Committee, discussions up to now have not identified problems and gaps encountered in the functioning of the CCEXEC. AU believes it may be more informative for CX/GP 16/30/3 to include analysis of the issues which led to the identification of the functioning of CCEXEC as a priority area for review. In our view, achieving efficiency and effectiveness of Codex goes beyond the functions of CCEXEC. We recommend that a holistic review approach which focuses on current work management systems and practices should be used in order to derive full benefit from the review process.

It appears that CX/GP 16/30/3 has not fully addressed recommendations and conclusions of the 38th Session of CAC in terms of coming up with an improved working document which takes into account the informal discussions at CCGP29, CCEXEC70, CAC38 and comments made by members.

AU recognizes that "substantive modifications to the proposed ToR will have implications on the feasibility of completing Phase 1 on schedule" (para 17 of CX/GP 16/30/3). However, it may be important to achieve consensus on the priority areas for which a Secretariat-led internal review should be conducted.

As a way forward the AU wishes to recommend if a review is to be conducted at all, it should focus on the objectives and related activities of strategic goal 4. Moreover there should be a broad-based evidence approach for prioritizing potential inefficiencies and ineffectiveness in the current Codex work management.

Specific Comments

Para 13-17: Approach

Issue: This section of CX/GP 16/30/3 defines the roadmap to be used to conduct the Codex Secretariat-led review (Phase 1).

Position: The scope of the document must be expanded to include key issues concluded by CAC38.

AU notes with concern that the direction as indicated in para 106 (ii) of CAC38 report was for the Secretariat to create a new document in collaboration with FAO and WHO taking into account the working document and all comments and discussions in the process up to now (CCGP29, CCEXEC70, written comments, replies to the circular letter on the outcome of CCEXEC70 i.e. CL 2015/20-CAC).

Rationale: Although para 14 of CX/GP 16/30/3 indicates that the document has been developed based on conclusions from CAC38, the document has not fully addressed the conclusions as directed by CAC38 and there is no clear link to the Strategic Plan 2014 -2019. Our understanding is that discussions and conclusions of CCEXEC69 and CAC38, informal discussions at CCGP29 was to form the basis for a consolidated working document which would have allowed for more informative discussions during CCGP30. However, the current working document to be discussed at the CCGP30 appears to focus on the history of discussions and ToR for the internal review of Codex work management and functioning of CCEXEC. AU recommends that the scope of CX/GP 16/30/3 should be expanded into a consolidated document (Rep 15/CAC, para 106 d (ii)) to address in a holistic manner the Codex work management procedures and practices. In addition, the consolidated document should take into account the continuous progress monitoring mechanism which is already inbuilt in the current Codex strategic plan 2014-2019 (Goal 4).

Para 18-26: Analysis

Issue: This section of CX/GP 16/30/3 provides a historical background to discussions which have taken place on the issue of Codex Secretariat-led internal review of Codex work management and functioning of the Executive Committee. The section further lists the five areas for possible improvement as identified by the Codex Secretariat, FAO and WHO (i.e. Mandate and Priorities, Management of the Codex Programme and links to FAO/WHO, Strategic Governance within Codex - "Executive Board", Structure of Codex Subsidiary Bodies, and Efficiency of Committee Work) and compares these areas with that identified by the CCEXEC70 namely:

- strategic governance,
- responsiveness to emerging issues,
- consensus,
- cross collaboration among Codex committees,
- effectiveness and representativeness of CCEXEC and
- efficiency of CCEXEC and CAC.

This section further attempt to indicate that the areas appear to be overlapping or strictly related e.g. management of Codex programme and strategic governance; structure of subsidiary bodies and cross collaboration amongst committees.

Position: AU recommends that the agreement reached during the 38th Session of CAC with particular emphasis on the six key areas identified by the 70th Session of CCEXEC should form the basis for the Codex Secretariat-led internal review of Codex work management and functioning of the Executive Committee, if the internal review should be carried out at all.

Rationale: The analysis component of CX/GP 16/30/3 is limited and does not give clear indication of the evidence-based reasons which led to the identification of the five areas proposed for improvement in CX/CAC 15/38/9 (in the table of para 21) and the six key areas identified by CCEXEC70. Although, the current document seeks to suggest possible areas for improvement in the Codex work management and functioning of CCEXEC, it is not very clear how these areas have been addressed. More information is need on the gaps, inefficiencies and ineffectiveness of the current procedures and practices. We recommend that evidence-based approach should be used in making decisions on priority areas for evaluation.

Para 26: The document uses terms such as leadership, authority, direction, accountability, and stewardship. These terms are not defined in the Codex Procedural Manual. We would need clarification as to their meaning.

Para 27, page 4 - Recommendations

Issues: This section of the document requests the CCGP30 to review the ToR (Annex) and forward them to the CAC (through CCEXEC) for approval.

Position: The request for CCGP30 to review only the ToR (Annex) with the view of forwarding them to the CAC (through CCEXEC) for approval, falls short of the direction given by CAC38 to CCGP30.

Rationale: CCGP30 should not review only the ToR (Annex), instead, CCGP30 should have formal discussion on a consolidated document as per the conclusions from CAC38 (REP15/CAC, para 106 (d {ii-iv})), especially addressing the six key areas and the reasons leading to their identification. The current document does not reflect the "consolidated document" expected to be the basis for discussion at CCGP30.

Specific Comments on Terms of Reference (Annex)

If the Terms of Reference is to be reviewed at all, we would have the following comments.

Position 1:

2.1 Purpose:

Modify the chapeau to read as follows: "The main purposes of the Review of Codex work management, functioning of the Executive Committee **and the Codex Alimentarius Commission** (the Review) are as follows".

AU suggests modifying and introducing new bullets as follows:

Bullet 1: Assess the efficiency and effectiveness of **the CCEXEC in relation to** current Codex strategic governance. ~~to understand how Codex is managed at the executive level.~~

Bullet 2: Formulate recommendations for enhancing the efficiency and effectiveness of the Codex strategic governance as managed by the Codex Executive Committee

Bullet 3: Assess the efficiency and effectiveness of the current Commission's ability and forward looking in executing its mandate.

Bullet 4: Formulate recommendations for enhancing the Commission's ability to be efficient, effective and forward looking in executing its mandate.

Rationale: The assessment of the Codex strategic management as done by the CCEXEC and the assessment of the CAC's ability to efficiently and effectively discharge its mandates would enable evidence-based decisions to be made as to whether or not to carry out the review. Full implementation of the Codex Strategic Plan (2014 – 2019), and particularly Strategic Goal 4 thereof, would provide an evidence based approach through its inbuilt mechanisms which has clear time lines and measurable indicators and outputs

2.2 Questions and Scope

Key Review Questions

Issue: This section identifies a range of issues to be evaluated and lists four key review questions to be used for the evaluation. The section further lists six criteria for assessing the overall functioning of the Codex Alimentarius Commission. Position: The functions of the CCEXEC as defined in the Procedural Manual should be used as the criteria for soliciting views and opinions from members and observers. Rationale: Such criteria have direct bearing on the functions of CCEXEC and will be a more useful way of obtaining information about the effectiveness of the CCEXEC.

Key review question (i) - What should be the respective roles and responsibilities of the Codex Alimentarius Commission and CCEXEC? Position 1: This question should not be included in the list of key questions. Rationale 1: Question 1 implies, the functions of the CCEXEC and CAC are not known, which is not the case since the functions are well defined in the Procedural Manual. The roles and responsibilities of the Codex Alimentarius Commission have been well defined in the Procedural Manual (Articles 1, 5, 6, 7&8 of the Statutes of the Codex Alimentarius Commission and in Rule 5 for the CCEXEC). What is needed is the assessment of how they are implementing their roles and responsibilities as the Procedural Manual requires and as Goal 4 of the Codex Strategic Plan 2014-2019.

Position 2: Combine questions (ii), (iii) and (iv) into one question as follows: What are the current practices (elements) that should be maintained and what changes or new initiatives (elements) could be considered to enable CCEXEC enhance its performance of the strategic functions for the CAC. Rationale 2: Position 2: Question 2 & 3 imply CCEXEC is currently ineffective in performing the strategic function for the CAC. AU does not believe that up to this moment the CCEXEC has been ineffective in executing its strategic functions.

Bullet 1, 2 & 3

Position 3: AU seeks clarification on the relevance of the three bullets to the review.

Rationale 3: The purpose and principles of the CAC have been well articulated in Article 1 and Article 5 of the statutes of the Codex Alimentarius Commission. We believe these questions should be raised by FAO and WHO given the provisions detailed in the establishment of the Commission (Procedural Manual, Article 1 and Article 5).

Key review question (3rd bullet point) – "Visibility and relevance of the Codex Alimentarius Commission"

Position: The issue of visibility is not clear and its inclusion as one of the questions for the review must be substantiated.

Rationale: We understand that CAC was jointly established by FAO and WHO to implement the Joint FAO/WHO Food Standards Programme. The Statutes of the establishment of CAC were drawn and endorsed by FAO and WHO. The functions (Rules of Procedure) were endorsed by FAO and WHO. Article 1 and 5 of the Statutes clearly define the functions of the CAC as reporting to and being consulted by Directors General of FAO and WHO.

Scope

Position: AU does not support an approach which excludes a review of the functions of Codex subsidiary bodies but prefer an all-embracing review. An internal review of Codex work management without the inclusion of that of the subsidiary bodies and consideration of other key issues such as timely translation and circulation of documents in all the Codex working languages is incomplete and may not lead to achievement of the overall objective of the review, which is enhancing the efficiency and effectiveness of the Codex Alimentarius Commission.

Rationale: AU notes the fact that the Review will not assess the issues regarding the structure and function of the Codex subsidiary bodies and the Codex decision making process and that these elements could form part of the scope of an external review. The functions of the CCEXEC and Codex Subsidiary bodies are inextricably linked. The close relationship between CCEXEC and Subsidiary bodies is evidenced by the significant input from the subsidiary bodies which form the basis of the critical review and monitoring processes of the CCEXEC. Moreover, the overarching function of the CCEXEC is to ensure the smooth and timely elaboration of Codex standards. This is a function which can only be achieved in collaboration with the subsidiary bodies. CCEXEC therefore does not exist in functional isolation. Moreover, challenges experienced by subsidiary bodies (e.g. late distribution of working documents) could also have direct implications for the effectiveness of CCEXEC. Our view is that, the outcome of the review of the functions of CCEXEC could have direct implication on the way Subsidiary committees function. A review of such magnitude with wide reaching implications for Codex work should not be limited only to the functions of CCEXEC but should comprehensively cover all aspects which have impact on the functions of the CCEXEC.

2.3 Review Criteria and Issues

3 Review Methodology

General comments: AU notices that the terms “stakeholders” and “other stakeholders” have been used in this CX/GP 16/30/3 and in the Strategic Plan 2014-2019. These words are not defined in the Procedural Manual, it is preferable to stick to the use “members”, “observers” and “non-members”.

3.1 Approach and tools

Bullet 1: Previous Officers of the Commission should be included in the review. These officers have gained experience in Codex work over time and could be useful in providing the necessary information.

The following are questions for which we require clarification.

Bullet 1:

- What are the details of the methods and tools to be used for the review?
- How will the semi-structured group be formed?
- How are the Regional Coordinators and Regional Committees going to be used and what will be the role of Representative elected on geographic basis?

Bullet 2:

- What is the content of the questionnaire, the target group and will the questionnaire be validated before use?
- How will the information obtained from the questionnaire and interview be used for the assessment?

4 Organization

With the inclusion of a Management Consultant in the review team, does the process still qualify as an internal review?

4.2 Review Team Competence and Composition

Position: Detailed Terms of Reference for each team member must be provided.

Rationale: The ToR for each member of the review team including the Management Consultant must be provided under this section in order to clearly define each team member’s roles and responsibilities.

4.4 Budget

AU needs information on the details of the budget with respect to the amount to be allocated for each activity of the review process.