



JOINT FAO/WHO FOOD STANDARDS PROGRAMME
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION
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THE ROLE OF THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

*(Prepared by the Chairpersons and Vice-Chairpersons of the Codex Alimentarius Commission
in cooperation with the Codex Secretariat)*

1. INTRODUCTION

1.1 At a workshop for members of the Executive Committee of the Codex Alimentarius Commission (CCEXEC) in Rome, 23-25 September 2017 before CCEXEC74, one of the topics discussed was how to improve the work of CCEXEC to act as the executive organ of the Commission. Following the workshop, CCEXEC74 requested the Chairperson and Vice-Chairpersons of the Codex Alimentarius Commission (CAC) to prepare a discussion paper on the role of CCEXEC based on the discussions at the workshop.

1.2 At CCEXEC75, a Conference Room Document (CRD) entitled “*The Role of the CCEXEC prepared by the Chair and the Vice-Chairs of the CAC*”¹ was published, but due to time-constraints could not be discussed by the following sessions of CCEXEC and many of the issues brought up in the CRD have been addressed through other CCEXEC documents and processes, in particular through the “Regular review of Codex work management” and the development of the Codex Strategic Plan 2020-2025.

1.3 The purpose of this document is to present remaining relevant issues arising from the 2017 workshop and other discussions (e.g. informal meeting of Chairpersons) in accordance with the sub-points of the mandate of CCEXEC to stimulate a more in-depth discussion on how to further enhance the work of the Executive Committee in the interest of the Commission as a whole. Not all sub-points contain proposals at this moment.

2. PROCEDURAL BACKGROUND

2.1 The basis for the existence of the CCEXEC is in Article 6 of the CAC Statutes:

“The Commission shall establish an Executive Committee whose composition should ensure an adequate representation of the various geographical areas of the world to which the Members of the Commission belong. Between sessions, the Executive Committee shall act as the Executive organ of the Commission.”

2.2 Rule V.2 and 3 of the Rules of Procedure elaborates the role of CCEXEC as follows:

- CCEXEC shall in between sessions of the CAC act on behalf of CAC as its executive organ (see 3.1);
- CCEXEC may make proposals to the Commission regarding general orientation, strategic planning, and programming of the work of the Commission (see 3.2);
- CCEXEC may study special problems (see 3.3);
- CCEXEC shall assist in the management of the Commission’s programme of standards development, namely by conducting a critical review of proposals to undertake work and monitor the progress of standards development (see 3.4);
- CCEXEC shall consider specific matters referred to it by the Directors-General (DGs) of FAO and WHO (see 3.5);

¹ [EXEC/75 CRD/3](#)

- CCEXEC shall consider the estimate of expenditure for the Commission's proposed programme of work (see 3.6).

2.3 Rule IX.6 of the Rules of Procedure states that issues related to the participation of non-governmental organizations (NGOs) in the work of Codex shall be handled by the Director General of FAO or WHO as appropriate on the advice of the Executive Committee (see 3.7).

3. CCEXEC WORK IN ACCORDANCE TO ITS MANDATE: IMPLEMENTATION AND CONSIDERATIONS FOR ENHANCEMENT

3.1 Acting in between sessions of CAC as executive organ

3.1.1 CCEXEC as think tank

3.1.1.1 CCEXEC, as the Executive organ of the Commission, should strive to be more a "think-tank" than a negotiation body and should always work towards benefiting the work of the Commission as a whole.

3.1.1.2 To accomplish this task, CCEXEC needs to work as a team and identify actions between the CAC sessions that it could usefully take to advance and improve the work of Codex.

3.1.1.3 Such actions are currently taking place through sub-committees working electronically or physically and actions undertaken by the Chair-person and the Vice-Chairpersons.

3.1.2 Facilitating consensus at Codex meetings to promote reaching robust and transparent standards

3.1.2.1 CCEXEC could help pave the path for reaching consensus at CAC by supporting Committees and their Chairpersons at subsidiary meetings and at CAC where it should be avoided that technical debates are reopened. The CCEXEC can play a role in collecting more information about the reasons/basis for non-consensus.

3.1.2.2 Reaching consensus requires constructive relationships and open communications channels between Members. High levels of respect and trust and effective dialogue allow Members to explore the issues, consider other members' interests and challenge assumptions before reaching agreement. Agreements made by consensus are often more creative and more readily implemented. CCEXEC should provide environment for work based on these elements.

3.1.2.3 Consensus usually demands agreements on science; on the use of other legitimate factors relevant to the health of consumers and the promotion of fair trade practices; and on trade considerations. All information provided by members needs to be taken into account. CCEXEC should consider a better mechanism for taking into account comments submitted in writing as they will point towards possible avenues towards or issues with consensus. CCEXEC should expect and be prepared that reservations placed by a member at the technical committee level could be used as the basis for reservations at CAC. CCEXEC members should always keep in mind the *Measures to facilitate consensus*².

3.1.2.4 To assist technical Committees in between sessions of the CCEXEC, it is proposed that the CAC Chairperson, the Vice-Chairpersons (CVC) and elected members arrange that each committee meeting is attended by a representative of the CCEXEC to observe and if needed assist and help support consensus building in the standards setting process. This experience can then also feed into discussions of the Critical Review at the CCEXEC. CCEXEC may also consider whether there may be benefits in expanding the current opportunities for formal and/or informal cross-working between CCEXEC and the Chairpersons of subsidiary bodies collectively.

3.2 Proposals regarding general orientation, strategic planning, and programming of the work of the Commission

3.2.1 Strategic planning

3.2.1.1 CCEXEC has an oversight role for the development and implementation of the Codex Strategic Plan and has recently finalised the Codex Strategic plan 2020-2025, which was adopted by CAC42.

3.2.1.2 The development of work plans and consistent monitoring will be crucial for the successful implementation of the Strategic Plan.

3.2.2 Science-policy interface and prioritization

3.2.2.1 The foundation of Codex standards is sound scientific evidence. As part of the Strategic Plan implementation, CCEXEC needs to be efficient in identifying innovative issues to strengthen the science-policy interface of Members and regions to prioritize Codex work.

² Procedural Manual, Appendix, General decisions of the Commission, "Measure to facilitate consensus"

3.2.2.2 This capacity of science-policy interface refers to the many ways in which technicians, negotiators, policy-makers and other stakeholders of the different regions link up to prioritize issues and jointly develop knowledge to address them in the Codex agenda. Information from assessments on Member countries' needs is essential to establish priorities. CCEXEC may also consider how CAC may make optimal use of the expertise and knowledge of those observers that are expert technical bodies, and how we might expand this category of observer organisations.

3.2.2.3 CCEXEC plays an essential role in prioritizing the standards to be developed, also basing this work on the scientific advice provided by the FAO/WHO expert bodies.

3.3 Study special problems

3.3.1 The CCEXEC presently studies the operationalization of the Statements of principle concerning the role of science in the Codex decision-making process through a specific subcommittee. This is appropriate as it was also the CCEXEC that finalised the Statements after attempts in Codex Committee on General Principles (CCGP) did not conclude. CCEXEC may wish to review what kind of other special problems have been studied in the past and successfully resolved and consider if there are any new special problems that warrant future work by CCEXEC.

3.3.2 There may be a need to give more guidance as to which problems should be studied by CCEXEC and which by CCGP in order to avoid repeating similar discussions. There may also be a need to consider those issues where consideration by each of CCEXEC and CCGP is appropriate and should be managed, for example issues where CCEXEC in its "think tank" role self-tasks in the study of a special problem and develops recommendations for CAC, which may include elaboration of procedural guidance by CCGP.

3.4 Management of standards development, critical review

The Critical Review function of CCEXEC is an essential part of CCEXEC's role. If this is executed thoroughly, it will support fulfilling the mission of Codex and facilitate consensus-building. It is noted that a review of the critical review function is on the agenda of CCEXEC78.³ There may also be a need to consider whether the current report from CCEXEC to CAC provides an appropriately impactful and effective means of communicating and advocating the results of CCEXEC's Critical Review to the wider Codex membership.

3.5 Specific matters referred to it by the Directors-General of FAO and WHO

The CCEXEC has in the past on several occasions discussed issues brought to it by FAO and WHO (Joint FAO/WHO statement on Codex, policy coherence etc.). A document containing such matters is prepared for each session.

3.6 Estimate of expenditure for the Commission's proposed programme of work

3.6.1 The CCEXEC has in the past pre-discussed the annual budget document for the CAC and also had discussions on using a "business plan" in order to better manage costs and provide justifications for an increased budget. The overall transparency of the budget document has been increased this way.

3.6.2 The CCEXEC has in the past discussed ideas how to improve the sustainability of the funding for scientific advice. CCEXEC should encourage FAO and WHO to provide sufficient budget to support the scientific advice needed from FAO and WHO to support Codex work.

3.7 NGO relations

3.7.1 Presently, NGO applications for observer status are first discussed between the Codex Secretariat, FAO and WHO before being presented to the CCEXEC for endorsement. After endorsement they are sent to the DGs of FAO and WHO for final approval.

3.7.2 In the best case (application received and cleared just in time to be discussed in the CCEXEC), an NGO could achieve observer status within less than a year and in the worst case in almost two years.

3.7.3 The question is if the "rubberstamping" action of the CCEXEC is useful or if it just prolongs the application process and if a simpler process could be:

- (i) application received by Codex Secretariat at any time of the year;
- (ii) check for completeness and consistency control against criteria in the PM;
- (iii) if complete, check by legal offices of FAO and WHO;
- (iv) if no problem, grant observer status.

³ CX/EXEC 20/78/4

3.7.4 At the CCEXEC before CAC, the Codex Secretariat would present a document containing a year's summary of lists of:

- (a) admitted organizations
- (b) pending applications for signature by the DGs
- (c) applications still under discussion
- (d) rejected applications
- (e) issues where CCEXEC advice is needed
- (f) inactive organizations (defined as no participation in >5 years)

3.7.5 CCEXEC will be invited to give advice on relevant issues under (e) and (f). CCEXEC could also challenge decisions under (d) and request re-opening of specific cases.

4. RECOMMENDATIONS

CCEXEC is invited to:

- discuss and further elaborate on the issues and proposals raised above
- consider selecting issues for further in-depth debate at a future session
- make recommendations for CAC consideration on how to improve the work of CCEXEC as appropriate.