

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
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Agenda Item 7

CX/NFSDU 23/43/8

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

Forty-third Session

Dusseldorf, Germany

7 – 10 March with report adoption by virtual mode on 15 March 2023

### PRIORITIZATION MECHANISM / EMERGING ISSUES OR NEW WORK PROPOSALS: PRIORITIZATION MECHANISM TO BETTER MANAGE THE WORK OF CCNFSDU

*(Prepared by the Electronic Working Group chaired by Germany and co-chaired by Canada)*

#### INTRODUCTION

1. The 70th Session of Executive Committee (CCEXEC70) recommended that all Committees consider the need to develop an approach for the management of their work; and CCEXEC75 specifically requested that the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) consider a prioritization mechanism to better manage its work. At the 41<sup>st</sup> session of the CCNFSDU (CCNFSDU41) in 2019, Germany as the Committee's host country Secretariat introduced a discussion paper including a draft prioritization mechanism. The Committee welcomed the discussion paper along with the various proposals and approach put forward to manage the work.

#### TERMS OF REFERENCE

2. CCNFSDU42 agreed to establish an EWG chaired by Germany and co-chaired by Canada, with the following terms of reference (TOR):

- a. revise the draft guideline for the preliminary assessment and identification of work priorities for CCNFSDU (REP20/NFSDU Appendix IX) as well as the proposed criteria taking into account the written comments received by the CCNFSDU Secretariat (Germany) as well as the comments and decision made at CCNFSDU41 for the development of a long term work prioritization mechanism; and
- b. prepare a revised proposed prioritization mechanism for use on a trial basis for consideration by CCNFSDU43.

#### METHODOLOGY AND PARTICIPATION

3. The EWG initiated work in April 2022. As a first step, the EWG Chair (Germany) and the EWG co-chair (Canada) prepared a revised draft guideline taking into account the written and verbal comments received at CCNFSDU41. In addition, discussions on prioritization and developments in other Codex Committees were considered for revision of the draft guideline and it was clarified that any new work proposal needs to be in accordance with CCNFSDU's objectives (as stipulated in the Procedural Manual). The focus was on the simplification of the mechanism.

4. The revised draft was the basis for discussion in the EWG, which included two rounds of comments (round 1 in April 2022; round 2 in September 2022).

5. In total 29 participants (19 Members, 1 Member Organization and 9 Codex Observers) took part in the EWG. A list of the participants is presented in **Appendix II**.

## ANALYSIS AND DISCUSSION

6. General consensus of the EWG indicated that the criteria mentioned in the draft guideline needed to complement the provisions applying to new work proposals outlined in the Codex Procedural Manual (PM) and should not replace them. The additional criteria were intended to assist in the review process to be conducted by the proposed *ad hoc* Working Group for the Establishment of CCNFSDU Work Priorities.

7. The EWG agreed to remove the criterion “availability of scientific advice” as this aspect had no direct link to the prioritization process and the PM already listed the points “identification of any requirement for and availability of expert scientific advice” and “need for technical input from external bodies” as basic requirements for new work proposals.

8. The EWG discussed the definition/interpretation of the rating terms “high”, “medium” and “low” noting the possibility that Members could indicate a “high” rating for each criterion in their proposal. In spite of several suggestions to implement numerical rating values, the EWG agreed that a reasoned and scientifically supported self-assessment by the submitting Member in combination with the case-by-case review by the *ad hoc* working group was sufficient. A numerical rating would carry the risk of over-complicating the mechanism and would not generate any added value compared to the categories “high”, “medium” or “low”.

9. In addition, the following changes and clarifications were agreed to by the EWG members:

- (a) New work proposals regarding the revision of existing CCNFSDU texts and requests from CAC or other committees would also need to undergo the prioritization process in the same way as proposals for new work.
- (b) The addition of the criterion “Global Impact” to ensure that the issue described in the new work proposal was global in scope.
- (c) The consolidation of the criteria “Impact on public health” and “Target group” into the new criterion “Impact on health of the target group”.
- (d) The addition of descriptions/instructions to all criteria in order to provide further guidance to Members.
- (e) The requirement for a summary document, prepared by the CCNFSDU host country Secretariat, to also serve as an inventory of future work and emerging issues. For this purpose, it would include a comprehensive overview of all new topics proposed to CCNFSDU and an indication of such topics that were considered by the Committee.
- (f) The addition of a note that the prioritization process could be omitted for immediate action, where circumstances so require.
- (g) The modification of the decision tree to reflect all agreed changes.

10. The EWG reached consensus on all issues raised.

## CONCLUSIONS

11. The prioritization mechanism presented in **Appendix I** is intended to establish a transparent process to filter submitted proposals for new work in advance. The preparatory work from the submitting Member, in combination with the review by the *ad hoc* WG, ensures that all documentation and criteria for new work are fulfilled prior to review of proposals for new work by the Committee.

12. The provisions of the guideline are expected to enhance the comparability of proposals. Overall, it is expected that the prioritization mechanism will not only help the Committee to focus its work on the most important and emerging issues, but will also shorten the discussions related to new work proposals in the plenary meeting.

13. The CCNFSDU host country Secretariat prepared a summary document of the proposals for new work received in response to CL 2020/30-NFSDU contained in **CX/NFSDU 23/43/7**.

14. During the initial check and compilation of the new work proposals received in response to CL 2020/30-NFSDU the CCNFSDU host country Secretariat identified an area for further improvement. For reasons of efficiency, it may be justified to separate proposals suggesting amendments/revisions of existing

Codex Tests from proposals suggesting completely new work. However, the requirements for submitting such proposals would remain the same. In the interest of a pragmatic approach, the CCNFSDU host country Secretariat has already implemented this separation for **CX/NFSDU 23/43/7**.

15. As agreed at CCNFSDU42 the *ad hoc* Working group for the Establishment of CCNFSDU Work Priorities will meet prior to CCNFSDU43 to conduct a case-by-case review of every proposal for new work received in response to CL 2020-30-NFSDU and presented in **CX/NFSDU 23/43/7**.

#### **RECOMMENDATIONS**

16. The:

- a. *ad hoc* Working group for the Establishment of CCNFSDU Work Priorities is **invited** to start its work as outlined in the Draft Guideline for the preliminary assessment to identify and prioritize new work for CCNFSDU (Appendix I);

The Committee is invited to

- b. agree to the proposed Draft Guideline;
- c. regularly review its standards and other texts to ensure that they are up to date.

## APPENDIX I

## DRAFT GUIDELINE FOR THE PRELIMINARY ASSESSMENT TO IDENTIFY AND PRIORITIZE NEW WORK FOR CCNFSDU

### Purpose

1. The following guideline is intended to assist the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) to identify and prioritize new work.

### Scope

2. Proposals for new work should be within the [terms of reference of CCNFSDU](#) and typically address issues associated with nutritional aspects of all foods and/or issues concerning foods for special dietary uses. Proposals may regard the development of new Codex texts or the revision of existing Codex texts.

3. Proposals for new work should follow the process and provisions outlined in Section II Part 2 of the Procedural Manual for *Proposals to Undertake New Work or Revise a Standard*.

### Criteria for Prioritization of New Work Proposals

4. The below mentioned criteria will be used when assessing new work in order to identify priorities for CCNFSDU.

5. These criteria will not replace the provisions outlined in the *Procedural Manual*, but assist in classifying the scope of the work and the extent to which the proposed work impacts on Codex Members in terms of public health, food safety and international trade. In this framework, the criteria are also intended to assist the *ad hoc* Working Group in their reviewing process on a case-by-case basis (para. 14).

6. When proposing new work, Members should take the following additional criteria into account against which their proposals will be assessed:

Criterion	Further information
Impact on health of the target group	<p>What is the target group of the proposed work (e.g. infants, the elderly, patients, whole populations)?</p> <p>What is the potential of the proposed work to resolve, mitigate, prevent, or significantly reduce a consumer health risk?</p> <p>Describe the positive impact on health of the target group and classify it into the categories high, medium or low.</p>
Impact on food safety	<p>What is the potential of the proposed work to improve food safety?</p> <p>Describe the positive impact on food safety and classify it into the categories high, medium or low.</p>
Impact on trade practices	<p>What is the potential of the proposed work to reduce technical impediments to trade?</p> <p>Describe the positive impact on trade practices and classify it into the categories high, medium or low.</p>
Global Impact	<p>What is the potential of the proposal to resolve, mitigate, prevent, or significantly reduce a global issue?</p> <p>Describe the global impact of the proposal and classify it into the categories high, medium or low.</p>

### **Process for Considering and Prioritizing Proposals for New Work**

7. Proposals for new work (including revisions of an existing text) should be submitted in response to a Codex Circular Letter (CL) before each session of CCNFSDU. This ensures that all proposals will be submitted within a deadline and all members have adequate time to consider them.

8. New work proposals should contain three elements: (1) a discussion paper, (2) a project document (in accordance with the Codex *Procedural Manual*), and (3) an assessment based on the prioritization criteria.

9. The prioritization criteria (para. 6) should be addressed in a self-assessment as part of the new work proposal. The choice of the respective impact level (high, medium or low) should be accompanied by a detailed rationale and supported by available scientific and other validated data. Pertinent references should accompany the assessment.

10. Proposals for new work received in response to the CL will be transmitted to the CCNFSDU host country Secretariat which will undertake an administrative check on whether the proposals received meet the basic requirements to be considered for prioritization (step one to four of the decision tree, see para. 17).

11. The CCNFSDU host country Secretariat will prepare a summary document presenting the proposals for new work including all three elements as per para. 8. The document will consist of two parts: Part 1: Requests for Amendments and Revisions and Part 2: Requests for New work. It will be distributed by the Codex Secretariat to Codex Members and Observers for their consideration.

12. The summary document will also serve as an inventory of future work and emerging issues. For this purpose, it will include a comprehensive overview of all new topics that have been proposed to CCNFSDU and such topics that have been considered in the preceding years by the Committee including:

- topics that were considered as priorities but postponed for various reasons (medium/long-term planning),
- topics that have not been supported.

13. As decided by the Committee, the *ad hoc* Working Group for the Establishment of CCNFSDU Work Priorities will meet prior to the first plenary session of CCNFSDU or in-between sessions, to develop recommendations for consideration by the Committee. The *ad hoc* Working Group will be co-chaired by the host country and another delegation.

14. The following Terms of Reference (ToR) of the *ad hoc* Working Group are proposed:

- a. To conduct a case-by-case review of every proposal for new work containing the three elements detailed in para. 8 on the basis of the decision tree (para. 17). In this context, the self-assessments submitted by the petitioning Member(s) will be reviewed.
- b. To prepare a report containing a list of work proposals ranked according to their priority to be presented to the plenary to support CCNFSDU in evaluating and deciding on the new work proposals. The ranking is based on the case-by-case review of every proposal taking into account the prioritization criteria as well as the discussions of the *ad hoc* Working Group and their review of the submitters' self-assessment.

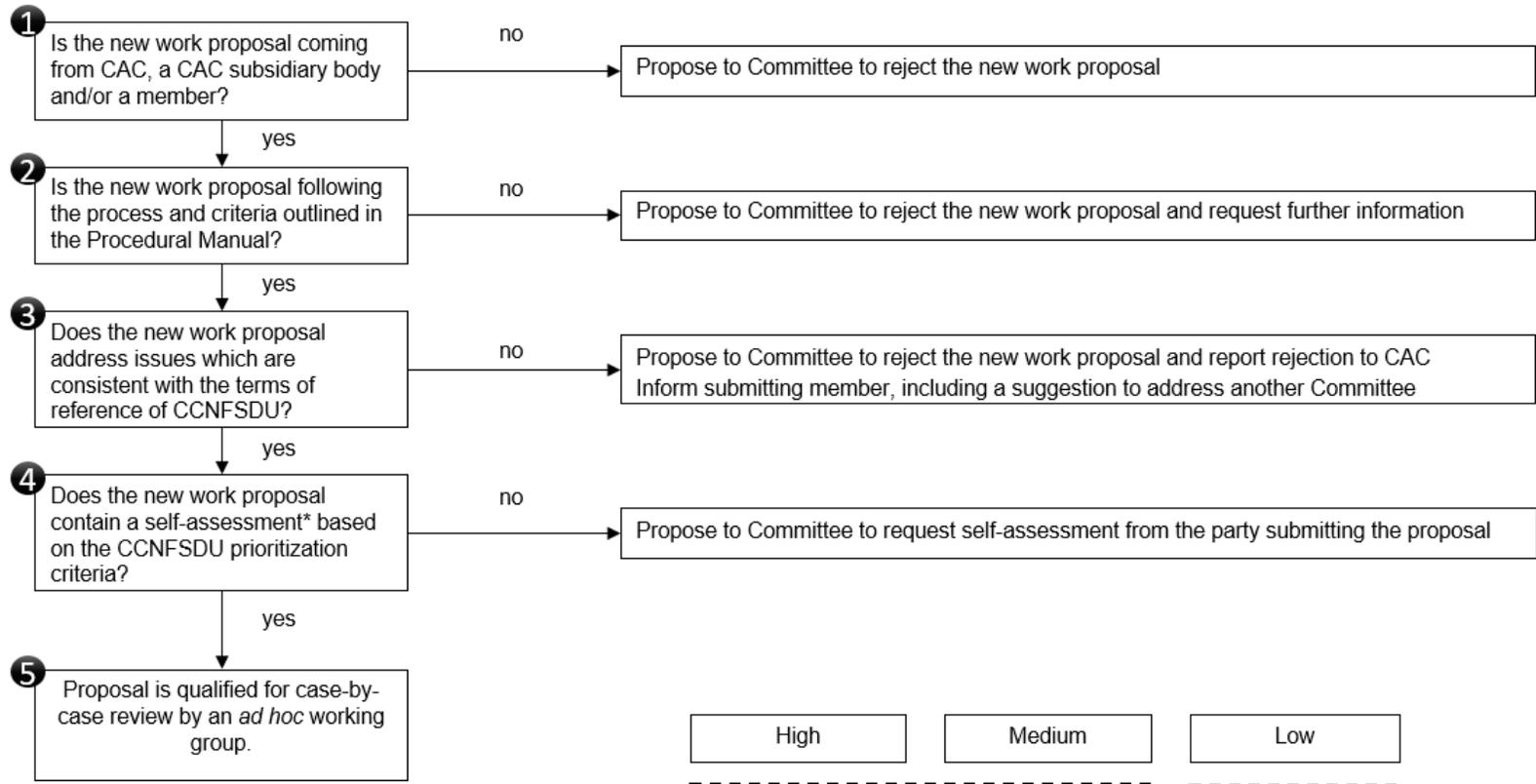
15. During a CCNFSDU plenary session, the *ad hoc* Working Group Chair shall introduce the recommendations for consideration of new work proposals to the Committee. The Committee will then accept or reject a proposal for new work, or return it to the proposing party for additional information. Depending on the workload of CCNFSDU, the Committee may decide not to accept any new work proposal at a session. At the same time, the Committee should retain the option to bypass the prioritization process for immediate action, where circumstances and/or exceptional global situations so require.

16. The recommendation of the *ad hoc* Working Group will be considered by the Committee for progression through the Codex process in the usual manner.

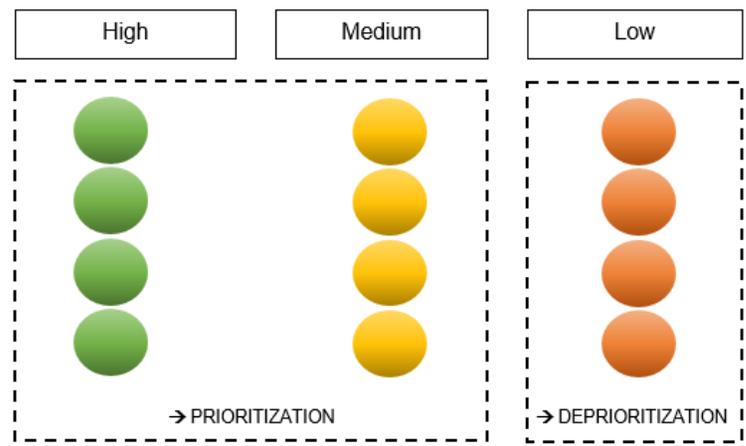
### **Decision Tree**

17. The following decision tree serves as a tool for the *ad hoc* Working Group to classify new work proposals:

**DECISION TREE FOR THE PRELIMINARY ASSESSMENT OF NEW WORK PROPOSALS FOR CCNFSDU**



- Positive impact on health of target group\*
- Positive impact on food safety\*
- Positive impact on trade practices\*
- Positive global impact\*



\* Detailed rationale including pertinent references is essential to accompany the self-assessment.

**LIST OF EWG PARTICIPANTS****Codex Members & Codex Member Organisation**

- |                   |                                  |
|-------------------|----------------------------------|
| 1. Australia      | 11. Malaysia                     |
| 2. Brazil         | 12. Mexico                       |
| 3. Canada         | 13. Morocco                      |
| 4. China          | 14. New Zealand                  |
| 5. European Union | 15. Nigeria                      |
| 6. Finland        | 16. Sweden                       |
| 7. Germany        | 17. Switzerland                  |
| 8. India          | 18. Thailand                     |
| 9. Indonesia      | 19. United Arab Emirates         |
| 10. Iran          | 20. The United States of America |

**Codex Observers**

1. Food Industry Asia (FIA)
2. Global Organization for EPA and DHA Omega-3s (GOED)
3. International Alliance of Dietary/Food Supplement Associations (IADSA)
4. International Fruit and Vegetable Juice Association (IFU)
5. International Council of Beverages Associations (ICBA)
6. International Council of Grocery Manufacturers Associations (ICGMA)
7. International Dairy Federation (IDF/FIL)
8. International Probiotics Association (IPA)
9. International Special Dietary Foods Industries (ISDI)