



JOINT FAO/WHO FOOD STANDARDS PROGRAMME
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION
WHO Headquarters, Geneva, Switzerland, 10 – 14 February 2020
Seventy-eighth Session
TIMELINESS OF CODEX WORKING DOCUMENTS
(Prepared by the Codex Secretariat)

1. INTRODUCTION

1.1 The Codex Procedural Manual states that documents shall be distributed “*in principle at least two months prior to the session at which they are to be discussed*”¹.

1.2 Delays in working documents, reports and the availability of adopted standards is a recurring issue. Discussions on the length of reports and the timeliness of documents (and translations) date back to the 32nd Session of the Codex Alimentarius Commission (CAC32) in 2009 and beyond.

1.3 At CAC32, the length of reports and simultaneous distribution of documents were discussed and relevant discussions continued at the 26th Session of the Codex Committee on General Principles (CCGP26) in 2010², CCGP27 in 2012³ and several sessions of CCEXEC. At this time, more transparency was introduced by keeping a publicly available form on a server where delegations could follow the progress of document availability and processing. Members discussed, but did not request a simultaneous distribution of documents in all languages recognizing that many Members had to work in a language that was not their national language and thus depended on the early availability of documents in official United Nations language versions. In addition, the practicalities associated with this approach would not make it possible to have timely distribution of any document as indicated in the Procedural Manual.

1.4 The use of machine translations was considered⁴ as an activity in the Strategic Plan of the Codex Alimentarius Commission for 2014-2019⁵, but in the final version the activity was phrased more generally. Strategic Goal 4: *Implement effective and efficient work management systems and practices*, Objective 4.1: *Strive for an effective, efficient, transparent, and consensus based standard setting process* contains activity 4.1.4: *Enhance timely distribution of all Codex working documents in the working languages of the Committee/Commission*. The expected outcome for activity 4.1.4 is: *Codex documents distributed in a more timely manner consistent with timelines in the Procedural Manual*.

1.5 In 2014, the Secretariat submitted CRD5 to CAC37 (2014) where, based on a limited data set of a number of committees during that year, it was shown that 50 percent of the documents in English were distributed at least two months before committee sessions, 27 percent between two months and one month before sessions, and 23 percent less than one month before sessions. Reports of committees were distributed within four weeks after the end of each session.

1.6 At CAC37 (2014)⁶, the Secretariat expressed confidence that obstacles for delays could be identified and addressed. CAC37 encouraged the Secretariat to enhance efforts to ensure documents were prepared in a timely manner, with the emphasis on all languages, and recommended immediate and incremental action along with the work that was underway on the analysis of document preparation times. At the same session, the Secretariat informed the Commission that work to translate Codex standards and publications into all languages for the web was underway despite the economic challenges involved.

¹ Section I: Basic texts and definitions, Rules of procedure of the Codex Alimentarius Commission, Rule VII Agenda, paragraph 7

² ALINORM 10/33/33, Paras 99-104

³ REP12/GP, paras 72-85

⁴ REP11/EXEC, para 113

⁵ <http://www.fao.org/3/a-i3826e.pdf>

⁶ REP14/CAC, paragraphs 113-118

1.7 Since 2014, the Codex Secretariat has annually monitored and reported on the timeliness of document distribution as part of the report on the implementation status of the Codex Strategic Plan 2014-2019.

1.8 In 2019, CCEXEC77 requested the Codex Secretariat to prepare a discussion paper on the timeliness of working documents for the present session, identifying potential reasons for delays and suggesting possible solutions taking into account observations made by CCEXEC77⁷. This document responds to that request and considers delays for the English language versions only.

2. TIMELINESS OF WORKING DOCUMENTS 2014-2019

The analysis below is quantitative based on the 2 month cut-off time specified in the Procedural Manual and the actual date of the distribution of the document.

While a breakdown by author is given in 2.2, the analysis does not contemplate the nature of the document and whether documents were developed for the establishment of quality or safety standards.

It is no surprise that two of the most prolific and successful food safety committees (CCCF and CCPR) are consistently challenged with late documents.

Apart from their heavy agendas, many of the documents prepared for these meetings are dependent on the scientific advice provided by FAO and WHO. Often both the scientific advice and standard are developed within a 12 month period, which means timelines are very tight and it is challenging to meet the 2 month deadline. However, when this approach works it contributes to an overall faster standard setting process. Some discussions are complex and sensitive and usually EWG chairs attempt to build consensus in the EWG to facilitate discussions in the committee even if it might delay the document.

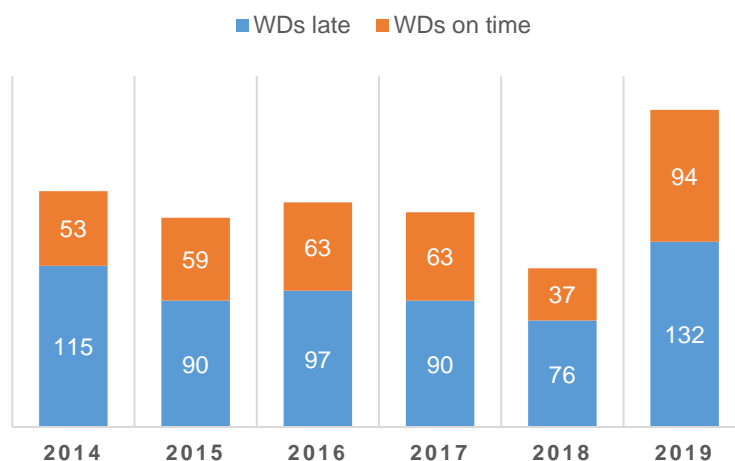
Commodity standards, on the other hand, do not usually rely on the availability of scientific advice, therefore considerations of timely distribution of documents dealing with commodity (quality) or safety standards cannot be considered in the same light.

Complexity, workload and available resources are also some of the reasons for delays in the more analytical documents (like the present document) that the Secretariat is asked to prepare, while delays for some other documents have to do with planning and coordination, which could be improved.

2.1 Overall timeliness of working documents (WDS) 2014-2019

2.1.1 During 2014-2019, the average percentage of working documents distributed two months before the session has remained relatively stable at around 40 percent (Figure 1).

Figure 1: Total numbers of working documents (WDs) published late and on time, 2014-2019⁸



2.1.2 As shown in Figure 1, the timeliness does not depend on the overall number of documents. In 2019 for example, twice as many documents as in 2018 were published (226 vs 113) while the proportion of documents on time was considerably higher.

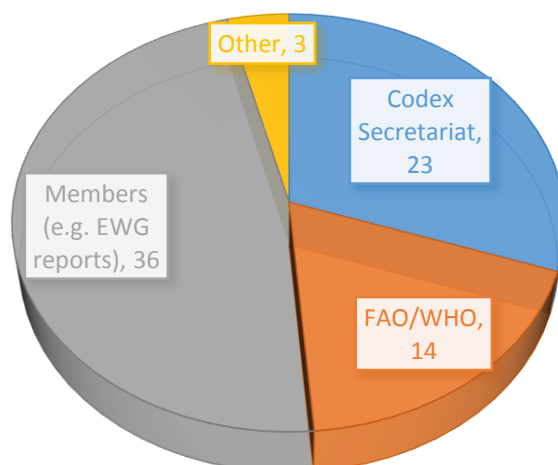
2.2 Delayed documents by author

⁷ REP19/EXEC2, paragraph 71 ii.

⁸ The analysis did not consider working documents in Arabic, Chinese, Russian, and Original Language Only, and excluded invitation letters, provisional agendas, circular letters, addendum papers, other comments papers including the replies to circular letters, information documents as well as working documents that had not been issued.

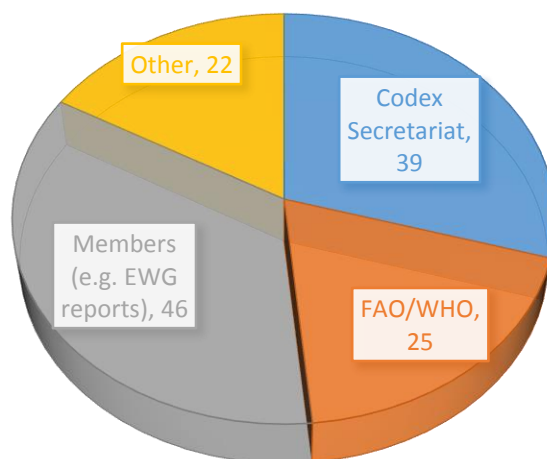
In 2018, the majority of delayed documents were prepared by Members followed by the Codex Secretariat (Figure 2). “Other documents” are those submitted by international organizations, chairpersons, host secretariats and Regional Coordinators.

Figure 2: Division of delayed documents published in 2018, by author



In 2019, a similar situation can be observed (Figure 3). However, the proportion of delayed documents authored by FAO/WHO and “other” is higher which can be explained by the six FAO/WHO Coordinating Committee (RCC) meetings held in that year with several documents prepared by Regional Coordinators and FAO/WHO.

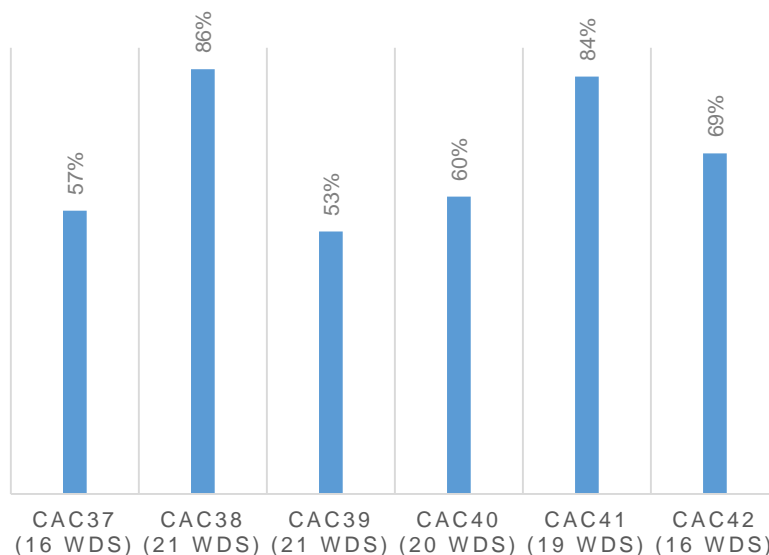
Figure 3: Division of delayed documents published in 2019, by author



2.3 Delayed documents for the Codex Alimentarius Commission

As regards CAC, the percentage of late documents in English during the period 2014-2019 fluctuated between 53 and 86 percent with an average of 68 percent of documents delayed (Figure 4). The number of working documents per session remained relatively stable between 16 and 21 and does not in itself explain the chronic delay.

Figure 4: Percentage of delayed working documents (WDs) at CAC sessions, 2014-2019



2.3.1 Analysis of delays in working documents for CAC42 (2019)

Table 1 gives an overview of delayed documents for CAC42 providing individual explanations for the delays incurred and suggesting solutions to resolve the issue.

Table 1: Extent of working document delay and reasons, CAC42 (2019)

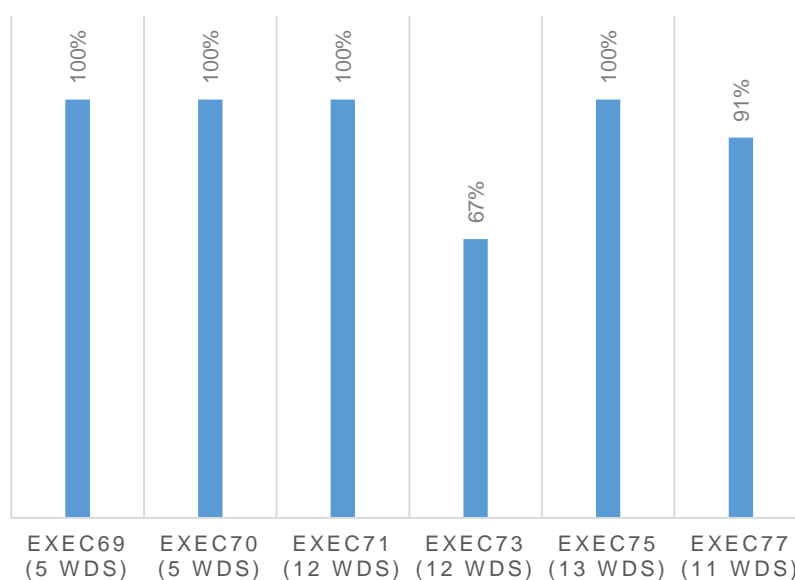
Document Reference	Title	Delay in days	Responsible party/author	Reason for Delay	Remedy
CX/CAC 19/42/2	Amendments to the Procedural Manual	14	Codex Secretariat	Publishing documents only when the committee cycle had finished, which is one to one and a half months before the CAC	Publishing documents in installments
CX/CAC 19/42/7	Revocation of Codex texts	33	Codex Secretariat		
CX/CAC 19/42/9	Discontinuation of Work	33	Codex Secretariat		
CX/CAC 19/42/10 Rev 1	Amendments to Codex Standards and Related Texts	50	Codex Secretariat		
CX/CAC 19/42/12	Codex Strategic Plan 2020-2025	30	Codex Secretariat	A timeline was developed by the CCEXEC (REP19/EXEC1) to facilitate inclusiveness in the preparation of the Strategic Plan, which anticipated that the Strategic Plan would only be available one month before CAC	The timeline as developed by CCEXEC one year in advance was adhered to
CX/CAC 19/42/13	Codex budgetary and financial matters	15	Codex Secretariat	Complex internal clearance process and competing priorities within FAO and WHO	Efforts are ongoing to maintain an open dialogue with the relevant units to facilitate the review and clearance process

Document Reference	Title	Delay in days	Responsible party/author	Reason for Delay	Remedy
CX/CAC 19/42/14	FAO/WHO Scientific Support to Codex: activities, budgetary and financial matters	22	FAO/WHO	Complex internal clearance process, and coordination process	Improved coordination to ensure timely distribution; simplified document
CX/CAC 19/42/15	Matters arising from FAO and WHO	36	FAO/WHO	Complex internal clearance and coordination process	Improved coordination to ensure timely distribution; simplified document
CX/CAC 19/42/16	FAO and WHO capacity development activities	14	FAO/WHO	Complex and detailed document depending on input from many players	Improved coordination to ensure timely distribution; simplifying the document
CX/CAC 19/42/17	Codex Trust Fund (CTF2)	21	FAO/WHO	Complex and detailed document depending on input from many players	Simplifying the document
CX/CAC 19/42/19	Designation of countries responsible for appointing the chairpersons of Codex subsidiary bodies	13	Codex Secretariat	Document not assigned	Resolved

2.4 Delayed documents for the Executive Committee of the Codex Alimentarius Commission

Sessions of CCEXEC show the highest overall percentage of delayed working documents irrespective of the number of documents on the meeting agenda (Figure 5). While the delay in document submission has persisted throughout 2014-2019, the amount of working documents on the CCEXEC agenda has doubled since 2017. The responsibility for the preparation of meeting documents lies almost always exclusively with the Codex Secretariat.

Figure 5: Percentage of delayed working documents (WDS) at CCEXEC sessions, 2014-2019



2.4.1 Analysis of delays in working documents for CCEXEC77 (2019)

Table 2 provides an overview of delayed documents for CCEXEC77 providing individual explanations for the delays incurred and suggesting solutions to resolve the issue.

Table 2: Extent of working document delay and reasons, CCEXEC77 (2019)

Document Reference	Title	Delay in days	Responsible party/author	Reasons for Delay	Remedy
CX/EXEC 19/77/2	Critical Review	29	Codex Secretariat	A new template was proposed and reviewed in conjunction with preparation of CX/EXEC 19/77/5 before being applied. Underestimating the amount of time needed for internal review and feedback given the volume of meetings taking place in the first half of the year	Applying the new template and delivering the document in three installments so that only the final part will be delayed.
CX/EXEC 19/77/3	Report of the second strategic planning sub-committee of the CCEXEC	37	Other (sub-committee)	A timeline was developed by the CCEXEC (REP19/EXEC1) to facilitate inclusiveness in the preparation of the Strategic Plan which anticipated that the Strategic Plan would only be available one month before CAC	The timeline as developed by CCEXEC one year in advance was adhered to
CX/EXEC 19/77/4	Codex Strategic Plan 2014-2019: Implementation status	9	Codex Secretariat	Poor communication during handover between officers	Better planning
CX/EXEC 19/77/5	Regular review of Codex work management 2018-2019: Critical Review Process	36	Codex Secretariat	Underestimating the time needed for internal review in the Codex Secretariat with many discussions and revisions and officers busy serving the many Codex meetings taking place during the first half year. Topic required discussion at Chairpersons workshop in late March	Establish realistic timelines for complex documents
CX/EXEC 19/77/6	Follow-up to regular review of Codex work management 2017-2018: Periodic Review of Codex Standards	23	Codex Secretariat	Underestimating the amount of time needed for internal review and feedback given the volume of meetings taking	Initiate document preparation earlier to facilitate earlier review (Jan-Feb) when there are fewer subsidiary body meetings.
CX/EXEC 19/77/7	Follow-up to regular review of Codex work management 2017-2018: Use of references in Codex texts	28	Codex Secretariat		

CX/EXEC 19/77/8	Follow-up to regular review of Codex work management 2017-2018: Resource implications	20	Codex Secretariat	place in the first half of the year and the number of documents to be prepared by the Secretariat for CCEXEC77	Reduce the number and/or prioritize the documents to be prepared for CCEXEC, as the session does not have the time to review them. The change in initiating of new regular reviews to every 2 years should contribute to the reduction in documents
CX/EXEC 19/77/9	Regular review of Codex work management: 2019-2020 theme	5	Codex Secretariat	Underestimating the time needed for internal review in the Secretariat	Initiate discussions and document preparation earlier
CX/EXEC 19/77/10	History and implications of the fourth paragraph of the statements of principle	22	Codex Secretariat	Complexity of the issue Underestimating the amount of time needed for internal review and feedback within both FAO and WHO as well as discussions with members	Initiate document preparation earlier to facilitate earlier review Engage additional expertise when addressing particularly complex issues
CX/EXEC 19/77/11	Applications from International Non-Governmental Organizations for Observer Status in Codex	54	Codex Secretariat/FAO/WHO	The document can only be finalized by the Secretariat after receiving advice from FAO and WHO legal services	Deliver in instalments or change the process

2.5 Delayed documents at the Codex Committee on Contaminants in Food (CCCF)

Over the years, many documents for CCCF are consistently late as presented in Figure 6.

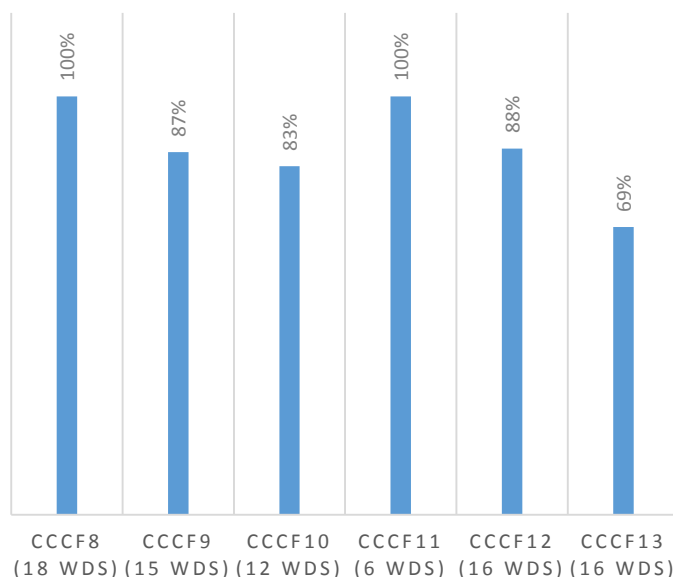
However, it should be borne in mind that other than the document on “matters referred to the Committee from CAC and other subsidiary bodies”, matters arising from other organizations, and some other documents, such as the “forward plan for future work and manageable agenda for CCCF”, most other documents in CCCF are of a technical nature prepared by different EWGs.

The development of these technical documents generally depends on data submission, analysis of such data and consultation with scientific bodies such as JECFA, which can result in delays in submission to the Codex Secretariat. Also due to the sensitive nature of many of these documents, delay in submission is in many instances requested by chairpersons in order to try to reach consensus in WGs which has resulted in achieving quicker progress in the Committee.

Submission of documents from EWGs sometimes requires further consultation with the Codex Secretariat before publication to better shape the document for discussion in plenary, which can only be done at the final stage of preparation of the document.

If EWG documents are delayed and many received at the same time, such delays are further exacerbated. CCCF also has an extensive workload, which could place a burden on countries participating in EWGs, which again could result in delays. However, the proposed “forward plan for future work and manageable agenda for CCCF” should assist in improving this situation.

Figure 6: Percentage of delayed working documents (WDs) at CCCF sessions, 2014-2019



2.5.1 Analysis of delays in working documents for CCCF13 (2019)

Table 3 provides an overview of delayed documents for CCCF13 providing individual explanations for the delays incurred and suggesting solutions to resolve the issue.

Table 3: Extent of working document delay and reasons, CCCF13 (2019)

Document Reference	Title	Delay in days	Responsible party/author	Reasons for Delay	Remedy
CX/CF 19/13/4	Matters of interest arising from other international organizations	38	Other	Document prepared by other international organizations (e.g. IAEA) according to their workload and administrative procedures.	Recommend to other international organizations better coordination to ensure timely distribution.
CX/CF 19/13/5	Proposed draft MLs for lead in selected commodities in the GSCTFF (CXS 193-1995) (at Step 4)	29	Members	Development of several MLs require first a call for data, then time for data submission, and thereafter data analysis	Work completed
CX/CF 19/13/6	Proposed draft MLs for cadmium in chocolate and cocoa-derived products (at Step 4)	35	Members		Continue undertaking work in stages on groups of commodities. Encouraging members to continue submitting data
CX/CF 19/13/7	Draft Code of practice for the reduction of 3-MCPDEs and GE in refined oils and food products made with refined oils (at Step 7)	5	Members	Sensitive nature of the topic, required extensive discussion EWG	Work completed
CX/CF 19/13/9	Establishment of new MLs for lead in commodities according to a prioritization approach	18	Members	Development of several MLs require first a call for data,	Continue undertaking work in stages on groups of commodities.

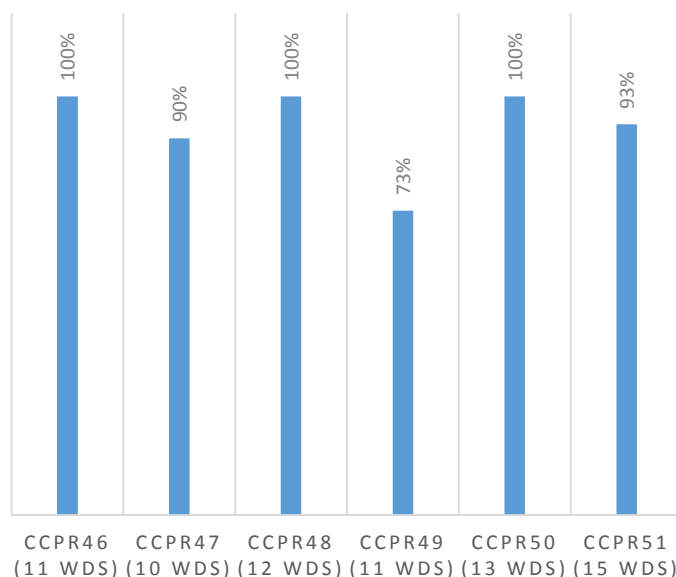
Document Reference	Title	Delay in days	Responsible party/author	Reasons for Delay	Remedy
CX/CF 19/13/10	Lead and cadmium in quinoa	50	Members	then time for data submission, and thereafter data analysis	Encouraging members to continue submitting data
CX/CF 19/13/11	Revision of the <i>Code of Practice for the Prevention and Reduction of Lead Contamination in Foods</i> (CXC 56-2004)	35	Members	Underestimation of the extent of work	Better planning and adhering to deadlines
CX/CF 19/13/12	Development of a Code of practice for the prevention and reduction of cadmium contamination in cocoa	25	Members		
CX/CF 19/13/14	Establishment of MLs for HCN in cassava and cassava-based products and occurrence of mycotoxins in these products	18	Members	Development of several MLs require first a call for data, then time for data submission, and thereafter data analysis	Continue undertaking work in stages on groups of commodities. Encouraging members to continue submitting data
CX/CF 19/13/15	Establishment of MLs for total aflatoxins in cereals (wheat, maize, sorghum and rice), flour and cereal-based foods for infants and young children	55	Members		
CX/CF 19/13/16	General guidance on data analysis for ML development	55	Members	Underestimation of workload	Better planning and adhering to deadlines
CX/CF 19/13/18	Forward workplan for CCCF	58	Host Secretariat, Codex Secretariat, JECFA Secretariat	Need for extensive discussion among the three parties. Underestimation of the workload	Better planning and adhering to deadlines

2.6 Delayed documents at the Codex Committee on Pesticide Residues (CCPR)

CCPR is another committee for which distribution of documents at least two months prior to the session has been a challenge for many years (Figure 7). This is due to the same aspects that were highlighted for CCCF (section 2.5).

CCEXEC has always acknowledged the efficient work of CCPR, especially at its last session and delegations of CCPR are aware of the challenges and are willing to discuss late documents without problems. The work outputs are amongst the highest of CAC subsidiary bodies.

Figure 7: Percentage of delayed working documents (WDs) at CCPR sessions, 2014-2019



2.6.1 CCPR (2019): Extent of lateness and reasons

Table 4 provides an overview of delayed documents for CCPR51 providing individual explanations for the delays incurred and suggesting solutions to resolve the issue.

Table 4: Extent of working document delay and reasons, CCPR51(2019)

Document Reference	Title	Delay in days	Responsible party/author	Reasons for Delay	Remedy
CX/PR 19/51/2	Matters referred to CCPR by CAC and/or other subsidiary bodies	34	Codex Secretariat	Document finalized after relevant reports available	Distribute the document in different addenda as information becomes available
CX/PR 19/51/2-Add.1	Discussion paper on Guidelines for the determination of pesticides as endocrine disruptors and harmonized risk management approaches in respect of their presence in foods	34	Members	Highly sensitive nature of the topic requiring more extensive discussion.	Item discontinued at CCPR.
CX/PR 19/51/3	Matters of interest arising from FAO and WHO	31	FAO/WHO	Document prepared by FAO/WHO according to the workload and administrative procedures. Preparation of complex technical documents involving multiple contributors often require a high level of coordination and several rounds of revision.	Improved coordination to ensure timely distribution.
CX/PR 19/51/3-Add.1	JECFA/JMPR Working Group on the revision of the residue definition	26	FAO/WHO		
CX/PR 19/51/3-Add.2	Acute probabilistic exposure assessment for pesticides	39	WHO		

Document Reference	Title	Delay in days	Responsible party/author	Reasons for Delay	Remedy
CX/PR 19/51/4	Matters of interest arising from other international organizations	26	IAEA	Document prepared by the Joint FAO/IAEA according to the workload and administrative procedures.	
CX/PR 19/51/5	Proposed MRLs for pesticides in food and feed (at Steps 7 and 4)	49	Members	Inputting approximately 600 – 700 MRLs for pesticides and additional information on residues and toxicology	Strengthen the Codex Secretariat team to keep up with CCPR preparatory work.
CX/PR 19/51/13	Discussion paper on the opportunity to revise the <i>Guidelines on the use of mass spectrometry for the identification, confirmation and quantitative determination of pesticide residues</i>	47	Members	Amount of work exceeded the expected deadline for completion of the document.	Develop realistic deadlines that would still allow timely submission.
CX/PR 19/51/14	Discussion paper on the review of the IESTI equations	32	Members	Item complex and highly sensitive. Difficult consensus building to issue the final document.	Develop realistic deadline that would still allow timely submission and rescoping of work.
CX/PR 19/51/15	Discussion paper on opportunities and challenges for the JMPR participation in an international review of a new compound	34	Members	Item complex and sensitive, requires lots of discussion on technical and procedural issues between CCPR, JMPR and country participating in the global review.	Develop realistic deadlines that would still allow timely submission.
CX/PR 19/51/16	Discussion paper on the development of guidance for compounds of low public health concerns that could be exempted from the establishment of CXLs	35	Members	Extensive work required.	
CX/PR 19/51/17	Discussion paper on the management of unsupported compounds	32	Members	Extensive work required coordination with other EWGs in CCPR in particular the priority list.	
CX/PR 19/51/18	National registrations of pesticides	31	Members	Same as above	
CX/PR 19/51/19	Establishment of Codex Schedules and Priority Lists of Pesticides	39	Members	Extensive work requiring coordination with other	

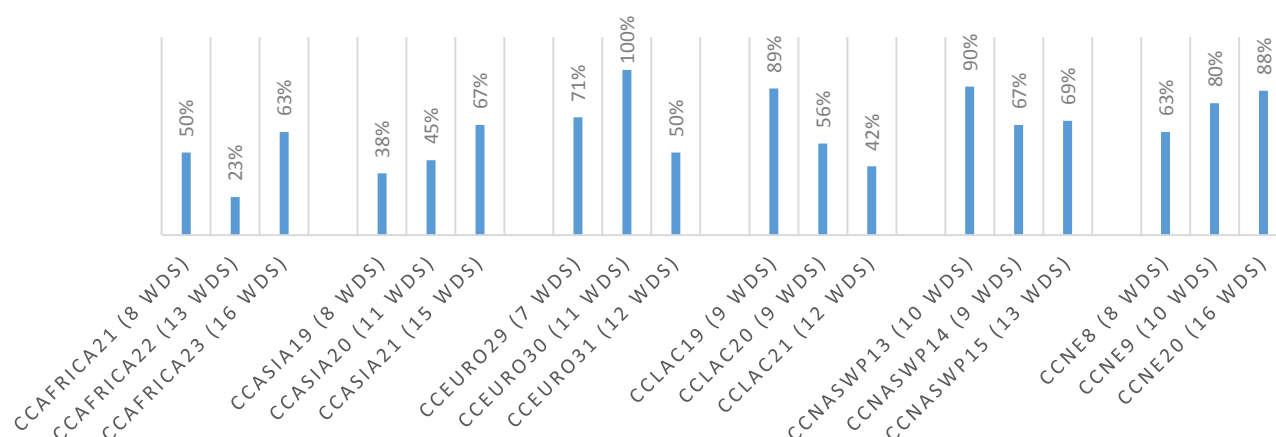
Document Reference	Title	Delay in days	Responsible party/author	Reasons for Delay	Remedy
				EWGs, JMPR Secretariats, members and data submitters	

2.7 Delayed documents at FAO/WHO Coordinating Committees (RCCs)

There is no clear trend as regards the timeliness of working documents for the RCCs.

The document preparation for RCCs is a shared responsibility between the Regional Coordinators, FAO, WHO, Members and the Codex Secretariat. The number of documents has increased in all RCCs over the past three sessions (Figure 7), due to the revitalization process and the adoption of a horizontal agenda for the RCCs. The harmonized agenda facilitated the preparation of documents for some agenda items as they were similar across committees, but other documents were based on surveys, regional consultations and EWGs, which either did not receive adequate input or complete their discussions within the allotted time.

Figure 8: Percentage of delayed working documents (WDS) at RCC sessions, 2014-2019



In 2019, the preparation of documents for the RCCs coincided with the preparation of documents for the CCEXEC and the CAC and contributed to delays. To address this, discussions are underway between FAO and WHO and the Codex Secretariat on the format and timing of the RCCS. An informal meeting with Regional Coordinators will be held in the margins of CCEXEC78. The timing of the next round of RCCs will also take into consideration the time period for preparation of Codex documents. In addition, training for incoming Regional Coordinators is anticipated for the second half of 2020 and the timely preparation of working documents is one of the topics to be considered.

2.8 Delayed documents for other Codex committees

For the other committees, there is no clear trend over the years regarding delayed distribution of documents. However, for committees meeting less frequently than once per year there tends to be less delays, although there are also exceptions to this.

3. CONCLUSIONS

3.1 Reasons for lateness of documents are not uniform and depend on the nature of the documents being prepared.

3.2 Delays in document distribution do not necessarily correlate with disruptions or delays in the actual development and progression of standards. A delayed document that has reached a strong consensus in an EWG can speed up discussions in the Committee and advance standards. A document on time that still needs extensive national discussions and submission of comments may obstruct discussions in the committee and delay standards.

3.3 Workload beyond Codex and available resources for Codex work of all concerned (Governments, FAO, WHO and Codex Secretariat) contribute to the delays.

4. RECOMMENDATIONS

The Executive Committee is invited to note the information above and make any further suggestions as appropriate. The Secretariat will:

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- continue monitoring and documenting the document distribution dates and delays in a transparent way;
 - distribute documents in instalments where this makes sense (e.g. Critical Review; Commission documents);
 - provide a realistic timeline on the distribution of documents for CCEXEC and CAC taking into account the overall workload; and
 - continue encouraging EWG Chairs to develop realistic timelines for submission of reports.