

codex alimentarius commission^E



FOOD AND AGRICULTURE
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Agenda Item 2

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

Sixty-third Session, WHO Headquarters, Geneva, 8 – 11 December 2009

GUIDANCE ON THE APPLICATION OF THE CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES

Note by the Secretariat: The outcome of the meeting of the bureau as contained in the main part of this document was distributed to all members of the Executive Committee on 4 October 2009 with a deadline for replies of 23 October 2009. The Comments received until 2 November 2009 are compiled in the Annex.

Background

The 62nd Session of the Executive Committee of the Codex Alimentarius Committee (CCEXEC, June 2009) agreed to set up an electronic working group led by the Codex Commission Chair and Vice Chairs (hereinafter referred to as the “Bureau”), to revise the Criteria for the Establishment of Work Priorities and the guidelines for the application of these criteria and report back on their findings to the next session of the Committee.

The 32nd Session of the Codex Commission (CAC, June 2009) agreed to set up an electronic working group led by the Bureau to consider whether further guidance on the application of the Criteria for the Establishment of Work Priorities was needed with regard to the approval of new work for commodity and general subject committees and report back on their findings to the next session of the Committee.

In order to produce an initial draft text for review by the CCEXEC electronic working group, the Bureau and the Secretariat met on 31 August through 3 September, with the assistance of Mr. Wim van Eck as Advisor to the Bureau. The Bureau conducted a careful review of the Criteria and the Guidelines, and also analyzed the problems that confronted the CCEXEC as they conducted the critical review of new-work proposals at their June 2009 session.

The Bureau and the Secretariat noted that the problems encountered by the CCEXEC (June 2009) resulted largely from inadequate or incomplete adherence to those Criteria and Guidelines by the Regional Coordinating Committees that had submitted new-work proposals to the CCEXEC, and also by the two relevant commodity committees, and the CCEXEC itself. In addition, the Bureau and the Secretariat noted the contributing problems of overly large workloads in the Codex Committee on Fresh Fruits and Vegetables (CCFFV) and the Codex Committee on Processed Fruits and Vegetables (CCPFV), which were the two commodity committees involved.

Proposals for amendments to the “Guidelines on the Application of the *Criteria for the Establishment of Work Priorities Applicable to Commodities.*”

(a) Modify paragraph numbered 1. by revising the text so it will now read:

“These Guidelines provide guidance on the application of the criteria, including the information that needs to be.....”

(b) Modify the Note in 2(a) of the Guidelines by adding new text so it will now read

“When proposing to develop a regional standard, the coordinating committee concerned should fully take into account paragraph (d) of the Terms of Reference of the FAO/WHO Coordinating Committees (Section VII), and provide....”

(c) A new second paragraph should be added to the Note in 2(a) of the guidelines and read as follows:

“In case there is substantial production and trade of a regional commodity in countries outside the region, the Executive Committee should recommend to the concerned commodity committee to consider elaborating a global standard taking into account its work program.”

(d) In order to ensure consistency with the titles used in the Procedural Manual and to reflect the content of the guidelines, it is proposed to amend the title to read “Guideline on the Application of the Criteria for the Establishment of Work Priorities (Criteria Applicable to Commodities).”

Additional proposals to the Executive Committee

The Bureau concluded that in addition to the suggested revisions to the Guidelines, the most advisable course of action was to suggest to the CCEXEC:

- (1) that the CCEXEC, when evaluating new-work proposals from Regional Committees, should take careful consideration of the Note under paragraph 2(a) of the “Guidelines on the Application of the *Criteria for the Establishment of Work Priorities Applicable to Commodities.*” This Note states that “...the coordinating committee concerned should provide well-documented and objective evidence that there is significant intra-regional trade, and that there is no trade, or no significant trade, between or within other regions.”
- (2) that the CCEXEC should advise CCPFV and CCFFV to reconsider developing committee-specific decision making and priority setting criteria, as specified in the Codex Strategic Plan Goal 3 (Activity 3.3), including the need for revision or amendment of existing standards.
- (3) recommend to the Commission to include the above guidelines in the Procedural Manual as they are intended for use by the Executive Committee in the framework of the critical review and would provide useful guidance to commodity committees when considering new work proposals.

Proposal for additions to the “Criteria for the Establishment of Work Priorities”

The Bureau and the Secretariat reviewed the Codex Procedural Manual “Criteria for the Establishment of Work Priorities” and the “Critical Review” relative to general subject committees. After lengthy discussion, the Bureau and the Secretariat arrived at the conclusion that, while there were no major problems or issues with the current criteria, there are additions that would enhance the criteria and improve the critical review process.

The Bureau therefore suggests to the CCEXEC that it would be advantageous to add the following elements to the list of “*Criteria applicable to general subjects*”, the first of which also appears in “*Criteria applicable to commodities*” as set forth in the “Criteria for the Establishment of Work Priorities” :

1. Amenability of the subject of the proposal to standardization.
2. Consideration of the global magnitude of the problem or issue.

COMMENTS RECEIVED ON THE OUTCOME OF THE MEETING OF THE BUREAU**AUSTRALIA (Member Elected for the South West Pacific)**

In Australia's view the proper application of the criteria for the establishment of work priorities is an essential as it contributes to the improved effectiveness and efficiency of the overall standards setting process. In order to support the proper application of the criteria the Executive Committee should also consider the value of providing further guidance to committees, in particular, commodity committees. This guidance could be provided through the preparation of an illustrative example of a well prepared project document therefore contributing to the overall quality of new work proposals.

In addition to the provision of an example of a project document, in order to facilitate the Executive committee's consideration of new work proposals, the Secretariat could undertake an initial analysis of each of the project documents. This analysis could take the form of a simple check list indicating whether various sections of the proposal have been completed including an indication of any inadequacies or gaps in information. This analysis could better guide the Executive in their deliberations and facilitate more efficient use of their time.

We strongly support the view of the Bureau that the problems encountered by the CCEXEC (June 2009) resulted largely from inadequate or incomplete adherence to the Criteria and Guidelines by the Regional Coordinating Committees that had submitted new-work proposals to the CCEXEC, and also by the two relevant commodity committees, and the CCEXEC itself. To this extent the Executive committee should continue to take whatever actions necessary to promote effective application of the criteria.

Australia therefore supports the proposed amendments set out below:

(a) Modify paragraph numbered 1. by revising the text so it will now read: "These Guidelines provide guidance on the application of the criteria, including the information that needs to be...."

(b) Modify the Note in 2(a) of the Guidelines by adding new text so it will now read "When proposing to develop a regional standard, the coordinating committee concerned should fully take into account paragraph (d) of the Terms of Reference of the FAO/WHO Coordinating Committees (Section VII), and provide...."

(c) A new second paragraph should be added to the Note in 2(a) of the guidelines and read as follows: "In case there is substantial production and trade of a regional commodity in countries outside the region, the Executive Committee should recommend to the concerned commodity committee to consider elaborating a global standard taking into account its work program."

(d) In order to ensure consistency with the titles used in the Procedural Manual and to reflect the content of the guidelines, it is proposed to amend the title to read "Guideline on the Application of the Criteria for the Establishment of Work Priorities (Criteria Applicable to Commodities)."

In addition to the proposed amendments, Australia also supports that the following courses of action be proposed to the CCEXEC:

- (1) that the CCEXEC, when evaluating new-work proposals from Regional Committees, should take careful consideration of the Note under paragraph 2(a) of the “Guidelines on the Application of the *Criteria for the Establishment of Work Priorities Applicable to Commodities*.” This Note states that “...the coordinating committee concerned should provide well-documented and objective evidence that there is significant intra-regional trade, and that there is no trade, or no significant trade, between or within other regions.”
- (2) that the CCEXEC should advise CCPFV and CCFFV to reconsider developing committee-specific decision making and priority setting criteria, as specified in the Codex Strategic Plan Goal 3 (Activity 3.3), including the need for revision or amendment of existing standards.
- (3) recommend to the Commission to include the above guidelines in the Procedural Manual as they are intended for use by the Executive Committee in the framework of the critical review and would provide useful guidance to commodity committees when considering new work proposals.

Australia supports the view of the Bureau and the Secretariat that, while there were no major problems or issues with the current criteria, there are additions that would enhance the criteria and improve the critical review process. Australia therefore supports the proposal to add the following elements to the list of “*Criteria applicable to general subjects*”, the first of which also appears in “*Criteria applicable to commodities*” as set forth in the “*Criteria for the Establishment of Work Priorities*”:

1. Amenability of the subject of the proposal to standardization.
2. Consideration of the global magnitude of the problem or issue.

UNITED STATES (Member Elected for North America)

The United States believes that the modification to Note 2(a) encouraging coordinating committees to review the Terms of Reference when developing proposals for regional standards will help ensure that the coordinating committees make the right decisions when submitting proposals for standards.

We also support the addition of the proposed second paragraph to the Note 2(a) and concur that global standards rather than regional standards should be developed when there is significant inter regional trade of a regional commodity.

The United States also concurs with the Bureau's recommendations to the Executive Committee that intra-regional as well as inter-regional trade of a commodity should be reviewed to avoid duplication of work or development of different standards for the same commodity.

The United States also concurs with the addition of the cited two elements to the "Criteria applicable to general subjects."

The United States would suggest that if the Codex Committee on Processed Fruits and Vegetables and the Codex Committee on Fresh Fruits and Vegetables determine that committee-specific priority setting criteria is needed for establishing new work priorities, they may want to consult with other Codex committees that have developed such criteria.

Regarding Item 2(b) of the current Guidelines relating to diversification of national legislation, the United States believes the original intent of this element was to work towards harmonization when national legislation was diverse regarding a particular standard, thereby facilitating trade. However, it is also possible that the extent of diversification of national legislation might create an impediment to harmonization. Generally speaking, the United States believes that most problems in Codex Committees can be resolved through consensus. However, there are some situations in which consensus is elusive. A frequently cited reason for this is differences in national legislation. We believe Codex could achieve considerable success in reducing the incidences of stalemates in the standards development process, if all committees, both general subject and commodity, would avoid work in areas in which differences in national legislation appear to render consensus unachievable—especially in cases where committees cannot even reach consensus on a new work proposal. Therefore, we suggest an additional bullet under 2(b) to read:

- When differences in national legislation are likely to result in a lack of consensus on a standard that is being proposed for new work, committees should strongly consider whether work in this area can be concluded within a reasonable period of time. A determination that differences in national legislation will make reaching consensus unlikely should be an indication to the committee that work should not go forward.