

codex alimentarius commission



FOOD AND AGRICULTURE
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Agenda Item 10 (b)

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-ninth Session

International Conference Centre, Geneva (Switzerland), 3 - 7 July 2006

IMPLEMENTATION OF THE JOINT FAO/WHO EVALUATION OF THE CODEX ALIMENTARIUS AND OTHER FAO AND WHO WORK ON FOOD STANDARDS

REVIEW OF THE CODEX COMMITTEE STRUCTURE AND MANDATES OF CODEX COMMITTEES AND TASK FORCES

Prepared by the Codex Secretariat

Background

1. The 28th Session of the Codex Alimentarius Commission considered a Consultants' Final Report on the review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces¹, containing 20 recommendations, and agreed that four of the recommendations required further study. The Commission further agreed that a Circular Letter be sent to Members and Observers to solicit comments, particularly in the context of possible reorganization of Codex commodity work, including combining committees and adjusting the frequency/interval of meetings, while further analysing the workload of commodity committees as well as the relationship between vertical committees and horizontal committees.² The comments received from governments and observers in reply to Circular Letter 2005/30-CAC are presented in document ALINORM 06/29/9B Part II.

2. The present paper is intended to provide additional information on and analysis of the issue in order to assist the members of the Commission in evaluating the current situation and implications of possible options for reorganising Codex Committee structure. This document may thus be read in conjunction with document ALINORM 03/26/11 Add.1 on the same subject presented to the 26th Session of the Commission. In addition,

¹ CL 2005/12-CAC

² ALINORM 05/28/41 para. 158

the present paper contains a Secretariat's note regarding the hosting of Codex sessions in developing countries, a subject which relates to both Agenda Items 10(a) and 10(b) (paragraphs 29-32 below).

Number of Codex meetings

3. The 26th Session of the Commission reviewed a working document on the Review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces, including Regional Committees and decided that all the Committees and Task Forces would be reviewed together, based on the proposals set out in the working paper, bearing in mind the objective of reducing the number of meetings while also keeping them short and focused.³

4. Subsequently, a team of consultants who undertook the review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces noted the following:

“The current frequency of meetings places a heavy burden on the governments that host meetings (the need to provide facilities, secretarial support, interpretation etc). This is especially true for governments hosting committees with large or complex agendas. It also creates particular economic and logistical problems for developing countries trying to actively participate in a large number of Codex meetings. The strain on the limited resources of the Codex Secretariat in trying to service so many meetings has become especially acute. This problem is exacerbated by the short annual time window for the scheduling of committee meetings, for a number of reasons. First, the Codex Secretariat must contend with the reduced availability of its staff before and after the annual Commission meeting when they must necessarily be engaged in essential preparatory and follow-up work. Secondly, there is the desire of committees to finalise draft standards in time to secure consideration at that year's Commission meeting. And finally, Codex sessions cannot be convened during the main holiday periods.” (Final Report of Consultants, CL 2005/12-CAC, section 4.2)

5. The number of Codex sessions, which stayed between twenty-one (21) and twenty-five (25) per biennium during the period between 1980 and 1995, started to increase sharply and reached a record of forty-one (41) meetings in 2002/03. In the 2004/05 biennium, 40 Codex sessions took place, including five sessions of the Executive Committee and six sessions of FAO/WHO Coordinating Committees, which are of restricted membership. Yet, the number of the sessions each Codex member was supposed to participate in was significantly larger compared to that in 1980s. In the current 2006/07 biennium, the number of Codex sessions is expected to stand at thirty-nine, including one session of a new Committee on Contaminants in Foods and one session of a new Task Force that may be established. It should be noted that the sessions of general subject committees (horizontal committees) constitute more than 50% of the total sessions (see Table 1).

Table 1 – Number of Codex sessions per biennium

Biennium	1990-91	1992-93	1994-95	1996-97	1998-99	2000-01	2002-03	2004-05	2006-07*
Commission	1	1	1	1	1	1	2	2	2
Executive Committee	2	2	2	2	2	3	3	5	4
General Subject Committees	10	12	14	14	15	17	17	18	19
Commodity Committees	1	4	3	6	6	8	7	7	5
Task Forces	1	0	0	0	0	5	6	2	3
Coordinating Committees	6	4	5	6	5	5	6	6	6
Total Sessions	21	23	25	29	29	39	41	40	39

* *Indicative*

6. In addition to the formal sessions of committees and task forces, a number of working group meetings are held in between sessions of the subsidiary bodies. The Report of the Joint FAO/WHO Evaluation of the

³ ALINORM 03/26/11 Add.1; ALINORM 03/41, para.154

Codex Alimentarius and Other FAO and WHO Work on Food Standards (November 2002) had recommended that the emphasis in Codex should switch from writing standards in meetings to developing standards through a consultative process between meetings (Recommendation 20). In 2005, the Commission adopted the guidelines for physical working groups and for electronic working groups to clarify the procedure to be followed and ensure transparency for the work done through working groups. While the guidelines state that Codex Committees should give the first priority to considering the establishment of electronic working groups, physical working groups are sometimes considered by subsidiary bodies as an effective means to exchange views on, and seek solutions to, complex issues that are difficult to handle by correspondence. In the 2004/05 biennium, seven meetings of physical working groups were held in-between sessions (working group meetings held back-to-back to or during a Committees' plenary session are excluded). The resource implications for Codex members to participate in some or all of these physical working group meetings should also be taken into account, in addition to the number of Codex sessions, particularly in light of the fact that the FAO/WHO Trust Fund for Enhanced Participation in Codex, at its current funding level, could support no more than two or three trips per year even for least developed countries.

7. An indirect implication of the increase in the number of Codex sessions is expressed as the constraint on the session planning. Ideally, the sessions of those subsidiary bodies which have the function of endorsing draft provisions developed by other subsidiary bodies should be placed after the latter's sessions within the Codex meetings cycle concluded by each regular Commission session. However, the increased number of meetings reduces the degree of freedom in the session planning in general and, more concretely, reduces the time between a Commission session and a given subsidiary body session as well as between two interrelated sessions of subsidiary bodies. Consequently, the time allowed for formulating government comments in reply to a Circular Letter is shortened and the ability of a Codex session to fully discuss the outcome of other Codex sessions held prior to it is negatively affected.

8. As regards the Codex Secretariat's capacity, the increase in the number of Codex sessions resulted in the rise in the number of duty travels undertaken by a professional staff member to service a Codex session. Where a staff member has to attend two or three Codex sessions in a row, it reduces the ability of the Secretariat in finalising and publishing final reports in a timely manner, and in providing in-depth technical advice at every Codex session taking into account the most recent developments of the issues discussed. The need to service an increasing number of Codex sessions and working groups limits the ability of the Secretariat to represent the Commission in external meetings including coordination with other international standard setting bodies as well as seminars and workshops for capacity building on Codex matters. Furthermore, an increasing proportion of the Secretariat's resources are being spent in assisting the Executive Committee to discharge its new functions (e.g. critical review, strategic planning, examination of applications for observer status).

Proposal 1. The Commission may wish to consider setting an upper limit on the number of Codex sessions planned for in one biennium (e.g. forty). In order to achieve a balanced session schedule within a biennium, an indicative upper limit may be set on the number of Codex sessions planned in one calendar year (e.g. twenty).

Proposal 2. The Commission may wish to consider setting a target upper-limit on the number of active subsidiary bodies that can co-exist at one time, in order to avoid the increase of Codex sessions beyond a manageable level (e.g. eighteen, excluding coordinating committees). Before proposing to establish a new subsidiary body, the Commission should consider dissolving or adjourning others, in accordance with work priorities identified by the Commission and in particular the Commission's six-year Strategic Plan.

Interval of meetings

9. The number of Codex sessions in a biennium is determined not only by the number of Codex subsidiary bodies but also by the frequency of their meetings. Currently, the sessions of Codex subsidiary bodies are programmed at the interval of 12 months, 18 months or 24 months. The intervals are agreed upon between the Codex Secretariat and host governments, subject to approval by the Commission, taking account of the workload of the subsidiary body concerned, timing of the provision of scientific advice from FAO and WHO, and the financial implications.

10. While frequent meetings are generally considered as assisting in timely completion of work, such rule may not apply to all instances. For example, annual meetings of a subsidiary body usually allows just one cycle of multilateral consultations (e.g. requesting comments and redrafting a text by correspondence, requesting comments and convening a physical working group) in between sessions. This might have resulted in a situation

where a subsidiary body recurrently discussed the same issue every year without benefiting from an in-depth negotiation or compromise building process which may require more than a year.

Proposal 3. The Commission may wish to invite committees to consider adopting a longer inter-session interval with the understanding that a structured, effective inter-session working mechanism is put in place in accordance with the Guidelines on Physical Working Groups and on Electronic Working Groups.

Duration of meetings

11. When planning for the duration of a Codex session, the Codex Secretariat consults with the host government secretariat to decide on the most suitable duration of the session in the light of the number of agenda items as well as the anticipated amount of time required for discussion for each agenda item. Most Codex committees and task forces typically hold a five day session, which includes three full days for deliberations, one day for preparation of a draft report, and one half-day for adoption of the report. Some of these sessions are preceded by the meetings of working groups, often held on Friday or Saturday of the week before, making the entire event sometimes longer than a week. The proposed splitting of the Codex Committee on Food Additives and Contaminants into two committees is expected to keep the entire meeting duration within a week for each of the new committees.

12. The Codex Alimentarius Commission itself has taken steps towards a shorter session. Until its 20th Session in 1993, the regular sessions of the Commission usually lasted 10 to 12 days, held over two consecutive weeks. Since 1995, its regular sessions were shortened to six days with the exception of the 26th (extraordinary) session. The 29th Session has been scheduled as a five-day meeting for the first time. However, it is considered difficult to further reduce the duration of the Commission, due to the logistic requirements related to the sequential elections of officers.

Proposal 4. The Commission may wish to decide that the duration of a Codex session should be kept within seven days, including the pre-session meetings of working groups, if any, in order to keep its proceedings well focused, ensure transparency, and facilitate effective participation of the members.

Management of commodity work

13. The issue of how to streamline its commodity work has been one of the major concerns of the Commission. As early as in 1978, within the framework of the Review of the Direction of the Work of the Commission, the 12th Session of the Commission noted the following views of members:

“Some delegations, such as the delegations of Kenya and Canada, were in favour of winding up certain Committees, in order to reduce the number of Committees, to enable new work to be started, and to discontinue existing permanent hosting arrangements with a number of countries. This would enable others to offer to host new Committees or older Committees if it were necessary to reactivate them. Other delegations, however, considered that adjournment sine die would be more appropriate, in order to provide for the possibility of revising standards as and when necessary.”⁴

14. Both the Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards (2002) and the Review of Codex Committee Structure and Mandates of Codex Committees and Task Forces (2004) proposed fundamental structural changes to managing Codex work at the level of subsidiary bodies, in particular its work on commodities. However, the Commission did not support the establishment of a Standards Management Committee⁵ or a Commodities Management Committee⁶.

15. The status quo means that the commodity work of the Commission would continue to be conducted by the existing commodity committees (including active and adjourned ones), *ad hoc* intergovernmental task forces and FAO/WHO coordinating committees. In this regard, the Commission may wish to note that:

- The following commodity committees have adjourned *sine die*: Meat Hygiene; Sugars; Cereals, Pulses and Legumes; Vegetable Proteins; Natural Mineral Waters; and Cocoa Products and Chocolate. Among

⁴ ALINORM 78/41 para.117

⁵ ALINORM 03/25/5 para. 15

⁶ ALINORM 05/28/41 para. 147

these the Committee on Cereals, Pulses and Legumes is currently operating by correspondence; the Committee on Natural Mineral Waters may start work by correspondence in the near future.

- Depending on the progress of work, the Codex Committees on Milk and Milk Products and on Fats and Oils may complete its current work in the near future and/or start addressing remaining work exclusively by correspondence;
- The following commodity committees however do seem to require significant amount of time to complete work currently on their agenda: Processed Fruits and Vegetables; Fish and Fishery Products; and Fresh Fruits and Vegetables;
- Among all six FAO/WHO coordinating committees, only the Committees for Asia and for the Near East have commodity standardization work currently on their agenda. Some of the draft standards may need to be developed as worldwide standards; in such case, work would be transferred to relevant commodity committees.
- The Codex *Ad Hoc* Intergovernmental Task Forces on Fruits and Vegetable Juices and on Animal Feeding were established in 1999 and have been dissolved after having completed the work assigned to them. The Codex Task Force on Foods derived from Biotechnology was re-established in 2003 and will remain active until 2009.
- Were dissolved or abolished the Codex Committees on: Meat; Processed Meat and Poultry Products; Edible Ices; and Soups and Broths.

16. Commodity committees and task forces, as instruments for standards development, appear to have their own advantages and disadvantages. The experience shows that commodities committees have the following advantages over *ad hoc* task forces:

- Revision of existing standards can be initiated without delay, without establishing a new subsidiary body and identifying a host government for it;
- Work may be undertaken by correspondence even when the committee has adjourned, thanks to the host government secretariat arrangements.

17. *Ad hoc* intergovernmental task forces, in turn, seem to have advantages as follows:

- Work in interdisciplinary areas can be undertaken that would otherwise have required joint sessions of more than one subsidiary body;
- The target date for completion of work is clearly expressed in terms of the lifespan of the task force, and risks are avoided that new work of low priority is proposed only to keep the subsidiary alive;
- Acting as a host government does not require financial commitment for an unidentified number of years.

Proposal 5. The Commission should consider, on a case by case basis, the advantages and disadvantages of using an *ad hoc* task force or a commodity committee in developing or revising commodity standards, while giving priority to the establishment of a Task Force rather than a Committee when the establishment of a new subsidiary body is required.

18. In the future, the commodity work of the Commission may start to focus on the revision of existing standards and codes rather than the development of new standards. In this perspective, merging of some of existing commodity committees into a smaller number of subsidiary bodies may result in creating synergies among inter-related subjects and making efficiency savings across the governments hosting these committees. Such mergers might possibly be considered, for instance:

- Among the Codex Committees on Cereals, Pulses and Legumes, on Sugars and on Vegetable Proteins (i.e. creation of a committee on cereals, pulses, legumes and other plants-derived foods);
- Among the Codex Committees on Meat Hygiene and on Residues of Veterinary Drugs in Foods, and the (dissolved) Task Force on Animal Feeding (i.e. creation of a committee on animal production food safety);
- Alternatively, between the Codex Committees on Meat Hygiene and on Food Hygiene (i.e. extension of the terms of reference of the Committee on Food Hygiene to cover meat hygiene);

- Among the Codex Committees on Processed Fruits and Vegetables and on Fresh Fruits and Vegetables, and the (dissolved) Task Force on Fruit and Vegetable Juices (i.e. creation of a committee on fruits and vegetables).

Proposal 6. The Commission may wish to keep under review the mandates as well as present and future workload of subsidiary bodies and consider, when appropriate, merging or dissolving existing committees.

19. The critical review was introduced in 2004 in the Elaboration Procedures and the Executive Committee is now expected to play an important role in this exercise, namely in reviewing the proposals for new work and monitoring progress of standards development. However, the Executive Committee may yet have to gain experience in how best to discharge its responsibilities in this newly assigned function. Several years' experience may be necessary before the Commission could evaluate the effectiveness of the critical review in streamlining the standards setting operation of the Commission.

Proposal 7. The Commission may wish to conduct a next comprehensive review of the committee structure and mandates of subsidiary bodies of the Commission after 2011 and consider whether changes would be desirable, in particular in regard to the re-organization of commodity work of the Commission, in the light of an assessment of the effect of the Critical Review in streamlining the commodity work of the Commission.

20. Within Codex, FAO/WHO coordinating committees have played a role, to differing degrees, in developing worldwide commodity standards. For example, the Coordinating Committee for Asia recently elaborated a draft Standard for Pickled Fruits and Vegetables up to Step 5, and work has been transferred to the Committee on Processed Fruits and Vegetables for finalisation as worldwide standard. This arrangement, while allowing the Codex process to benefit from the expertise available at the regional level, may lead to overburdening certain commodity committees at a later stage if their future workload is not taken into consideration when new work is started at the level of coordinating committees.

Proposal 8. The commodity work of coordinating committees should concentrate on the development of regional standards, in compliance with their terms of reference. Conversion of a regional standard into a worldwide standard should be considered only after its adoption at Step 8 and at the recommendation of the commodity committee concerned, substantiated by a project document.

Relations between committees

21. This matter has recently been discussed by the Committee on General Principles and the Committee on Food Additives and Contaminants and will require further discussion by these Committees before concrete proposals to streamline the current relations are considered by the Commission.

22. Endorsement procedures may also be improved. In addition to the impact of a busy session schedule, delays in standards development may also arise from the cases where the intent of one committee is not understood by another committee with endorsement functions or where an agreement reached by a committee is questioned by another committee as a result of the same discussion being opened again.

Proposal 9. The Commission may wish to keep under review the relations between committees, namely relations between commodity committees and general subject committees. The Commission may wish to encourage the Committee on General Principles and the Committee on Food Additives and Contaminants, and other committees if required, to continue discussion on relations between committees, including endorsement procedures, and review and report their recommendations to the Commission.

History of nutrition related work in Codex

23. The Commission recognised the importance on work on nutrition since its early sessions.⁷

24. The European Codex Committee on Dietetic Foods was established by the 3rd Session of the Commission⁸, with the terms of reference focused on dietetic foods. The Committee was given the status of a worldwide commodity committee by the 4th Session of the Commission⁹ and was renamed as the Committee on Foods for Special Dietary Uses.

⁷ ALINORM 64/30 para.89; ALINORM 65/30 para.67

⁸ ALINORM 65/30 para.7

⁹ ALINORM 66/30 para.6(b)

25. The matter on how Codex should deal with issues related to nutrition was extensively discussed by the Commission at its 13th and 14th Sessions¹⁰. The 15th Session of the Commission agreed to extend the terms of reference of the Codex Committee on Foods for Special Dietary Uses to coordinate work on nutritional aspects within Codex.¹¹ The name of the Committee was amended in 1987 to refer to nutrition¹². Since then the Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) came to be listed as a general subject committee and not as a commodity committee. One could however note that the CCNFSDU has preserved its two characters: the one as a “commodity committee” in so far as it elaborate standards for foods for special dietary uses, and the one as a “general subject committee” when it deals with general questions on nutrition.

26. Currently, the CCNFSDU is the unique subsidiary whose terms of reference explicitly state its role to deal with nutrition; the Committee on Food Labelling has also participated in Codex work relating to nutrition within its terms of reference.

Proposal 10. The Commission may wish to consider whether the current arrangement is appropriate for Codex to carry out immediate and future tasks relating to nutrition. Such consideration should take into account priority areas of the work of the Commission, with due regard to its strategic plan 2008-2013 under elaboration.

Role of Codex standards *versus* role of private standards

27. Today a number of private standards are being developed at the international level; these trends might lead to potential duplication of work between the Codex Alimentarius Commission and international private food standard setting bodies. While information is regularly obtained from the ISO on its activities relevant to Codex, information available to the Commission on the work of other bodies is relatively limited. Such information may be useful in reaffirming the role of Codex standards and focusing the work of the Commission on areas where Codex should have its exclusive role.

Proposal 11. The Commission may wish to request the Codex Secretariat, in cooperation with FAO and WHO, to obtain basic information on the development and use of private standards, especially those other than ISO standards, at the international level and provide relevant information to the Executive Committee and the Commission in 2007.

Summary

28. The observation made above by the Secretariat is not meant to cover the whole spectrum of the issues under consideration by the Commission but to highlight certain issues the Commission may wish to take note of. In fact, many factors need to be taken into account by the Commission when evaluating options to improve its working arrangement. Such factors may include, but are not limited to: participation of the members in the Codex process; speed and efficiency in standards development; Codex session planning; inter-session mechanisms to advance work; interaction between Codex subsidiary bodies; effect of the procedural changes recently made by the Commission (e.g. critical review); available instruments for priority setting (i.e. Codex-wide and committee-specific criteria and processes); role of Codex *versus* private standards; financial and other resource implications on Codex member governments, on the host governments of subsidiary bodies established under Rule XI.1(b)(i), on the Codex Secretariat, and on FAO and WHO especially in their role in providing scientific advice to Codex.

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Holding of Codex sessions in developing countries

29. The 26th Session of the Commission, when considering the proposals arising from the Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards, recommended that the advice to host governments should include arrangements for holding Codex sessions in developing countries.¹³ In accordance with the above, the Guidelines to Host Governments of Codex Committees and *Ad Hoc* Intergovernmental Task Forces, adopted by the 27th Session of the Commission, state that the member

¹⁰ ALINORM 79/38 paras 81-93; ALINORM 81/39 paras 115-121.

¹¹ ALINORM 83/43 paras 353-355

¹² ALINORM 87/39 para.454

¹³ ALINORM 03/41 para. 179

country to which a Codex Committee has been assigned should consider arrangements for holding Codex sessions in developing countries.

30. Thanks to the efforts of the host governments and several developing countries, Codex sessions have, since July 2003, been held outside the territory of host governments, as follows:

Codex Committee on Food Hygiene	37 th session	Argentina
Codex Committee on Food Labelling	33 rd session	Malaysia
Codex Committee on Pesticide Residues	36 th session	India
	38 th session	Brazil
Codex Committee on Residues of Veterinary Drugs in Foods	16 th session	Mexico
Codex Committee on Fish and Fishery Products	27 th session	South Africa

31. One problem encountered during the preparation of some of the above sessions relates to the conclusion of a Letter of Agreement between the FAO and a country which offered a venue for a Codex session. As a matter of principle, countries accepting to hold an FAO/WHO session in their territory are required to comply with all the conditions necessary, including technical and protocol arrangements. The formal invitation to participants cannot be sent by the Codex secretariat to the members and observers until a Letter of Agreement has been signed by both parties. Delays in accepting the conditions by the country offering a Codex session venue have resulted in the very late issuance of some invitation letters, which has supposedly resulted in the inability for certain members and observers to make necessary travel arrangements in time.

32. In order to ensure smooth operation of the subsidiary bodies of the Commission and maximum participation, countries planning to provide the venue of a Codex session are encouraged to contact the Codex secretariat earliest possible and obtain a model Letter of Agreement and study, with their diplomatic services, the acceptability of the conditions therein before formally volunteering to host a Codex session.