



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx COMMITTEE ON GENERAL PRINCIPLES

Thirtieth Session

Paris, France, 11 - 15 April 2016

CODEx WORK MANAGEMENT AND FUNCTIONING OF THE EXECUTIVE COMMITTEE

TERM OF REFERENCE OF SECRETARIAT-LED INTERNAL REVIEW (PHASE-1)

Comments submitted by Australia, Canada, Colombia, Costa Rica, Cuba, Dominican Republic, European Union, Islamic Republic of Iran, Japan, Nicaragua, Norway, Switzerland and United States of America

AUSTRALIA

2. Review Framework

2.1 Purpose

Australia supports the purpose of the review as written in 2.1 Purpose however we would seek clarification as to the scope of the second dot point *Formulate recommendations to enhance the Commission's ability to be efficient, effective and forward looking in executing the mandate of the Codex Alimentarius* is it envisaged that any recommendations would include possible changes to how committees currently operate (process and procedurally)? Or is this out of the scope of the review?

2.2 Key Questions

Australia supports the proposed questions and would like to suggest that Phase 1 which is proposed to start after the 39th CAC should include some discussion of these questions at the Regional Coordinating Committees. The Regional Coordinators should in our view play a stronger more strategic role in the Executive and therefore discussion at the regional level will assist in informing the review outcomes.

Australia supports, in principle the view that the Review should not assess the structure of the subsidiary bodies and the Codex decision-making process (see our question regarding clarification under 2.1), however it may be that useful information or suggestions come to light during the review that could be acted on at a later date.

3. Review Methodology

3.1 Approach and tools

As stated above we would like to see some discussion of the Review as part of the formal agenda of each of the Regional Coordinating committees. Whilst we support the methodology that includes interviews with Regional Coordinators we would remind the Committee that we have several new Regional Coordinators this year and the Chairs of these committees may have limited experience of Codex and in particular the Executive committee, a broader consultation with the regional coordinating committee membership would likely be more informative.

3.2 Consultation Process

Australia considers that the primary stakeholders for the review are 'all' Codex members and observers if this is meant to be implied by reference to the Codex Alimentarius Commission we think it might be useful to clarify by adding 'members and observers' after the words "The Codex Alimentarius Commission".

The second dot point implies that the FAO and WHO along with the Secretariat will take decisions on implementation – we would like to see the words 'on recommendations from the Commission and/or Executive' so as to make it clear that the decisions on any recommendations will be made by the Commission as is reflected in 4.1. The second bullet would read:

- The parent organisations FAO and WHO and the Codex Secretariat as those responsible for implementation of the decisions **on recommendations taken by the Commission and/or Executive.**

4. Organisation

4.3 Timetable

As noted above the views of the Regional Coordinating committees will be an important component of this review and therefore we would like to see this added to the timetable in 2016.

CANADA

Canada would like to thank the Codex Secretariat for preparing, in collaboration with FAO and WHO, these Terms of Reference for the Secretariat-led Internal Review of Codex Work Management and Functioning of the Executive Committee and appreciates the opportunity to provide comments.

Canada recalls that the Codex Strategic Plan 2014 – 2019, under Strategic Goal 4, aims to “implement effective and efficient work management systems and practices”. While Canada welcomes a review of the current work management of Codex in a clear, objective, and evidence-based approach, we note that the proposed Terms of Reference appear to focus primarily on the functioning of CCEXEC, and would suggest that the review should further align with the Codex Alimentarius Commission’s priorities and intent identified in the objective and related activities of Strategic Goal 4,

Canada would like to provide the following specific comments on the proposed Term of Reference:

Specific comments

2.1 Purpose

The primary audience for the review is not clearly identified and should be elaborated in this section.

First bullet: Clarity is needed on the purpose, scope and depth of the assessment of the Codex strategic governance. It is Canada’s view that a review of Codex strategic governance goes beyond the priorities and intent of Strategic Goal 4 of the Codex Strategic Plan.

2.2 Key questions and scope

The four key questions appear to have as their primary focus, the functioning of CCEXEC. Canada suggests that the questions should be better aligned with Strategic Goal 4 of the Codex Strategic Plan.

2.2 (ii) This question should be rephrased to identify, within current CCEXEC work processes and procedures, any impediments encountered by CCEXEC to operate in supporting the standard setting work of the Commission.

2.2 (iv) Clarification is required on whether this question refers to the need for changes in the current practices of the Commission or of the CCEXEC.

Bullet 2: Alignment with policies of the parent organizations FAO and WHO:

Canada suggests the removal of this bullet as its contribution and relevance to the evaluation objective is unclear.

Bullet 3: Visibility and relevance of the Codex Alimentarius Commission:

Clarification is needed as to the relevance of this bullet to the review.

Bullet 4: Ability of the Codex Alimentarius Commission to meet the needs of all stakeholders

This bullet appears to be too broad, especially as it is not clear which stakeholders would be included as part of the review methodology.

Bullet 5: Roles and skills of Chairs, Vice-chairs and of CCEXEC members:

It is suggested that information be included on the criteria and methodology that will be used to conduct the assessment.

2.3 Review criteria and issues

Reference to the specific review criteria that will be used should be clearly stated in this section. Clarification is needed on the intent of the criteria “equality” to the review.

The title of this section refers to “issues”; however, issues are not elaborated in the section and consideration should be given to deleting it.

3.1 Approach and tools

Interviews: In light of the proposed budget and timelines, elaboration would be useful on the means and mechanisms for interviews as this method could be expensive and time consuming in arranging and conducting them.

First bullet: It is unclear which entities are included in the term “key informants” and how they differ from “stakeholders”. It is suggested to clarify or delete the term.

Third bullet: It is suggested to provide further elaboration and clarification of the term “review matrix”.

3.2 Consultation process

Further elaboration on the consultation process should be included in this section as it currently does not describe the process; rather it identifies the stakeholders of the evaluation and would be more appropriately included in either Section 2.1 (Purpose) to address who the primary audience is or in Section 2.2 (Key questions and scope).

4.1 Roles and responsibilities

Clear roles and responsibilities for each of the members of the review team (i.e. Codex Secretariat, representative from FAO and from WHO, management consultant) should be elaborated and included in this section so that there is a clear understanding who would be leading and who would be providing support to the review.

With the current focus of the review, it is unclear why CCGP is listed as having a role in providing comments and suggestions on the report and not the members of the Commission.

4.2 Review team competencies and composition

The competency criteria used to choose each member of the review team are missing and should be elaborated in this section.

The specific offices and/or positions should also be clearly stated for representatives from FAO and from WHO on the review team.

4.3 Timetable

The timeline for the completion of the review appears to be ambitious and may not be feasible given proposed review methodology.

The timeline between the activities “Implementation of review” and “Report finalized and circulated for comments to all members” is only a month long and this does not seem feasible given the time considerations.

COLOMBIA

Review framework:

2.1 Purpose

- We agree that the efficiency and effectiveness of current Codex strategic governance should be assessed, in the perspective, amongst other aspects, of the Codex Strategic Plan 2014-2019 which has already been approved, but without changing the representativeness of the Executive Committee. To clarify the first goal of the purpose of the review framework, we suggest alternative wording for it in the Spanish version. The new wording would be: “Understand how Codex is managed at the executive level to assess the efficiency and effectiveness of current Codex strategic governance”.
- We agree with the second goal of the purpose.

2.2 Key questions and scope

- (i) We do not agree that the respective roles and responsibilities of the Codex Alimentarius Commission and CCEXEC should be discussed.
- (ii) CCEXEC must be able to perform a strategic function for the Codex Alimentarius Commission. In this respect, the key question should be “How should CCEXEC’s work be organised?”. This could cover, for example, how work is shared between the Chair and Vice-Chairs, the creation of sub-committees, the number of sessions per year; performing strategic work such as budgetary planning, management of the elaboration and revision of standards and related texts, etc.
- (iii) We approve the question concerning the necessary elements required to ensure CCEXEC performs an effective strategic function for the Codex Alimentarius Commission.

- (iv) We also approve the question concerning the current practices that should be maintained and the changes or new initiatives that could be considered, all within the framework of the evaluation of work management.

However, the six points relating to how the Commission, as a whole, functions, raise a number of questions:

Is the aim to examine the Commission's purpose or the ways in which it could improve its work and that of its executive body? With the draft Terms of Reference for an internal review, two goals overlap: one focused on a true Review of Codex Work Management and Functioning of the Executive Committee, and another that reflects the intention of taking a close look at the purpose and relevance of the Codex Alimentarius Commission. We do not agree with the latter goal.

As regards the second point, we suggest changing its wording. We propose using the word "coordination" instead of "alignment". The point would therefore read as follows: "Coordination with policies of the parent organizations FAO and WHO". In the same vein, we draw attention to the terms of Article 5 of the Statutes of the Codex Alimentarius Commission which literally states: "The Commission shall report and make recommendations to the Conference of FAO and the appropriate body of WHO through their respective Directors-General". The assessment as to whether or not there is coordination between policies must result from the continuous communication that should exist between the Commission, through its executive body, and the Directors-General of the parent organizations; if this communication does not exist, it must be re-established in order to roll out coordinated work.

We also advocate heightened visibility for the Commission vis-à-vis FAO and WHO leading to effective and efficient work within the framework of the Codex Alimentarius.

COSTA RICA

Costa Rica supports the drawing up of Terms of Reference for the Codex Secretariat-led internal review in Phase 1 but is not in favour a second external phase which represents a waste of resources for the Codex as there are other more pressing budgetary imperatives. May we remind you of the intervention at CCGP28, "110. *The Representative of WHO speaking on behalf of FAO and WHO, recalled that the Joint FAO/WHO Evaluation of Codex Alimentarius in 2002 was conducted and funded by FAO and WHO by investing significant financial resources, which were not available at present. [...] The Representative further stated that the scope of an evaluation or a review should be matched to the need and the availability of funds. He suggested that FAO, WHO and the Codex Secretariats work on mapping the actions that were undertaken after the 2002 Evaluation and the possible areas where their impact should be measured, which could form a basis for exploring the conduct of a "mini-evaluation", focusing on the implementation of the 2002 Evaluation*".

We have the following comments on the wording of the Terms of Reference for Phase 1:

The main purposes of the Review of Codex Work Management and Functioning of the Executive Committee (the Review) are as follows:

- **Assess** [*change of wording irrelevant in English*] without the efficiency and effectiveness of current Codex **Alimentarius** strategic governance to understand how Codex is managed at the executive level
- **Formulate** [*change of wording irrelevant in English*] recommendations to enhance the **strategic governance of Codex Alimentarius** the Commission's ability to be **so that it is** efficient **and** effective **and forward-looking** in executing **its** mandate of the Codex Alimentarius

Rationale: For the wording of a purpose, the verb must be in the infinitive. We are proposing the changes in wording for greater clarity and consistency with the key questions and scope set out in section 2.2. Similarly, the aim of changing the wording is also to make it clear that the recommendations are being tabled to enhance the Codex's overall capacity and not only that of the CAC.

2.2 Key questions and scope

Members and observers have identified a range of issues to be evaluated which have been summarised in four key review questions:

- (i) **(ii)** What should be the **respective roles** and responsibilities of the Codex Alimentarius Commission and CCEXEC?

Rationale: We suggest removing the word "functions" [*funciones*] and replacing it with "roles" [*roles*] in the Spanish version to bring it into line with the English text. What is more, in Spanish, the meaning of "functions" and "roles" is different.

- (ii) **(i)** ~~Is CCEXEC able to operate, to the extent required~~ **Does CCEXEC perform** a strategic function for the Codex Alimentarius Commission? **Explain your answer.**

Rationale: We suggest new wording, so as not to call into question the capacity of the Executive Committee but rather to assess the current role it performs. In addition, the members should be asked to give explanations and provide details.

(iii) What are the necessary elements required to ensure CCEXEC performs an effective strategic function for the Codex Alimentarius Commission?

(iv) What are the current **strategic governance** practices **for the Codex Alimentarius** that should be maintained and what changes or new initiatives could be considered?

Rationale: The purpose of the change of wording is to outline the scope of the question.

The Review will not assess the issues regarding the structure and function of the Codex subsidiary bodies and the Codex decision making process ~~which could form part of the scope of an external review.~~

Rationale: Costa Rica agrees on the need to subsequently launch a second more detailed stage on the functioning and performance of the subsidiary bodies but this should be an internal review like in Phase 1, without using an external consultant, as there are already other priorities for which resources need to be earmarked as stated at the beginning of this position paper.

CUBA

Cuba supports the survey which was answered by the CCLAC countries on CODEX WORK MANAGEMENT AND OPERATION OF THE EXECUTIVE COMMITTEE MANDATE FOR INTERNAL REVIEW CONDUCTED BY THE SECRETARIAT (Phase 1) (Prepared by the Codex Secretariat, in collaboration with FAO and WHO) and the Agenda Item 3 CX / GP 16/30/3 program to be the 30th CCGP in Paris, France 11 - April 15, 2016

DOMINICAN REPUBLIC

Following discussions at our National Codex Committee (CONCA), mainly concerning the Activity "Selection and recruitment of the management consultant", in point 4.3, we concluded that:

The Dominican Republic agrees that the "Annex" document, set out in CX/GP 16/30/3, should be referred for approval at the upcoming 39th Session of the Codex Alimentarius Commission.

EUROPEAN UNION

The MSEU would like to thank the Codex Secretariat, FAO and WHO for document CX/GP 16/30/3 and express their appreciation for the early opportunity to provide comments, in particular on the proposed Terms of Reference (ToR) set out in the Annex to the document. We consider the definition of these ToR to be a critical stage on the path towards achieving a successful outcome of the discussion on Codex work management and the functioning of the Executive Committee.

We take note of the remark included in point 17 of the document concerning the risk that substantive changes to the proposed ToR could jeopardise completion of the internal review in time to allow for its outcomes to be presented at CAC40 in 2017. We have nonetheless a number of concerns in relation to the ToR. These are set out below.

Section 2 - Review framework

Overall, the MSEU are concerned that Section 2 of the document does not fully take account of the work on the matter at issue which was endorsed by the Codex members at CAC38 in 2015, in particular as regards the six 'key areas' identified by CCEXEC70 which the discussion should focus on (i.e. strategic governance; responsiveness to emerging issues; consensus; cross collaboration amongst Codex committees; effectiveness and representativeness of CCEXEC).

In particular, we have concerns about the fact that the issues regarding the structure and function of the Codex subsidiary bodies and the Codex decision-making process would not be covered by the internal review and would be left instead for an external review. While recognising the benefits of an external review, we consider that these are among the key elements that need to be addressed in order to allow Codex to function smoothly and effectively.

In particular with regard to the issue of decision-making, the MSEU consider that an internal review could provide useful insights, inter alia through an assessment of updated information on the number of standards adopted, the number of standards held at step 8 and the number of cases in which consensus could not be achieved.

Another important 'key area' which was identified by CCEXEC70 and which does not seem to be taken into account for the review is 'responsiveness to emerging issues'.

In view of the above, the MSEU would appreciate clarity as to which are the matters that would be dealt with by the internal review and which ones by an external review, and the rationale behind this. Equally, the MSEU would appreciate further information about the views of the parent organisations on the two parts of the review, with a view to understanding how they see the entire review process, particularly the external review.

We would also like to make the following specific comments on Section 2:

- We support the overriding purpose of the review as laid out in Section 2.1.
- It appears unclear how the scope of the review reflected in the four questions and the six themes set out in Section 2.2 stands in relation to the six 'key areas' identified by CCEXEC70 and endorsed by CAC38 (see above). In fact, on the one hand, not all of these six 'key areas' appear to be covered in Section 2.2; and on the other hand, the list of themes includes 'visibility and relevance of the Codex Alimentarius Commission', a theme which we believe was not highlighted as such in discussions on this issue. We would appreciate clarification as to whether this theme should be seen as part of the overarching objective of the review referred to in point 22, i.e. ensuring that Codex remains the 'pre-eminent international food standards-setting body'.
- We support focussing the review on Codex work since 2009, when the implementation of the 2002 Evaluation was considered complete.

Section 3 - Review methodology

The methods and tools that will be used by the review team are of critical importance for a successful outcome. The MSEU would appreciate more information on the suggested methods and tools listed under 3.1. In addition, CCGP30 could discuss these methods and tools with a view to providing, where appropriate, input and guidance so as to ensure an inclusive approach.

We would also like to emphasise that the Secretariat, in its choice of IT tools for gathering information from Codex members, should take due account of the special position of Codex member organisations, such as the EU. In fact, we would like to be reassured that the views of all 28 EU Member States will be duly taken into account and will be properly counted if and when mathematical calculations are a determining factor in establishing preferences or priorities.

Section 4 - Organisation

We would appreciate more information about the selection process for the 'management consultant' who would be part of the review team.

In addition, we have noted an inconsistency with regard to the involvement of the CCGP in the review process. Under 4.1 (Roles and Responsibilities), it is stated that the CCGP will have the opportunity to provide comments and suggestions on the report (we understand the 'report' to be the outcome of the review process, but this should be clarified to avoid different interpretations). However, the timetable under 4.3 does not include any reference to the CCGP and merely refers to circulation of the report for comments to all members and subsequently discussion at CCEXEC72 and CAC40. We consider that the CCGP, which has played a central role in discussions on the matter at issue and will continue to do so in 2016, should have a prominent role in the assessment of the outcome of the review scheduled for 2017. This will allow *all* Codex members and observers to participate in a full discussion ahead of the CCEXEC and the CAC in 2017, so as to ensure that the process remains transparent, inclusive and comprehensive throughout.

ISLAMIC REPUBLIC OF IRAN

Iran appreciates the working group for document prepared by Codex Secretariat in collaboration with FAO and WHO for CODEX WORK MANAGEMENT AND FUNCTIONING OF THE EXECUTIVE COMMITTEE TERM OF REFERENCE FOR SECRETARIAT-LED INTERNAL REVIEW (PHASE-1).

We think that the text is perfect and very useful. It seems the TOR paper may be very good, but the most important section of it is the last raw of page 3 (Efficiency of CCEXEC and CAC). Iran supports specially this section because of its output and it's effective result.

JAPAN

Japan welcomes the endeavors of the Codex Secretariat to take on an internal review on Codex Work Management and Functioning of the Executive Committee. Japan supports the approach taken by the Codex Secretariat especially in focusing on the review on the role/function of Codex Executive Committee. For consideration of the Codex Work Management of functioning of CCEXEC, it may be useful above all to reconfirm the mandates of FAO and WHO, which are: food security, malnutrition, poverty and management and utilization of natural resources (FAO); and health (WHO). We believe that the analyses and assessment which will be conducted in this review will lead to overall improvement of Codex Work Management and eventually to the increase of the added value of Codex Alimentarius in the global food safety.

Taking this opportunity, Japan would like to share its view on the key questions as follows.

1. What should be the respective roles and responsibilities of the Codex Alimentarius Commission and CCEXEC?

While comparing the past records of the CCEXEC and the Commission, we noted that there has been heavy duplication in the agenda items of the Codex Alimentarius Commission and CCEXEC in recent years. The Rule V of the Procedural Manual clearly demarcates the role of the Executive Committee and the Commission, i.e. the Executive Committee's role is making proposals to the Commission regarding general orientation, strategic planning, and programming of the work of the Commission.

The main function of the Commission is making proposals to, and consulted by, the Directors-General of FAO and WHO on all matters pertaining to the implementation of the Joint FAO/WHO Food Standards Programme (Article 1).

In these respects, the founding articles in the Codex Procedural Manual should be fully respected and referenced against when assessing the performance of the Executive Committee and the Commission. In addition any work undertaken by the Codex should respect the statues/mandates of FAO/WHO that we referenced above.

2. Is CCEXEC able to operate, to the extent required, in order to perform a strategic function for the Codex Alimentarius Commission?

Ability of CCEXEC entirely depends on the ability of the CCEXEC members. The question is whether the Members are electing CCEXEC persons fully capable of the job or not. It is the Members' responsibility. It might be worthwhile to revisit/reconsider the recommendation made by the 2002 External Review which points out that the Executive Committee should be replaced with an Executive Board, meeting every 6 months, charged with strategic and managerial responsibility but without the authority to consider standards (Recommendation 9).

3. What are the necessary elements required to ensure CCEXEC performs an effective strategic function for the Codex Alimentarius Commission?

CCEXEC should take its own responsibility. The matters related to the present key questions should be debated primarily in CCEXEC.

CCEXEC is expected to manage the work of Codex. It should normally be in a position to review and monitor the overall activity of Codex, including the number of the Committees/WGs held in the previous year, number of countries participating in Committees/Working groups, the schedule of the Committees/WGs, and the budget more in detail (see some past records of the Commission). We expect these to be reported at the CCEXEC to help the Members guide the Codex's workplan.

Prioritization and coordination of the Codex activities are of great importance among the roles of CCEXEC and this is one of the functions that we would like to see strengthened.

4. What are the current practices that should be maintained and what changes or new initiatives could be considered?

The current practice is acceptable, if not ideal.

A practice that may require consideration is the calendar of election of chair/vice-chairs of Commission or, if not, the membership of CCEXEC. In the current practice, the candidacy for the Commission chair or vice-chair is very difficult for the chair of regional coordinating committee. Yet, the persons who have experience of chairing are important human resource of the Commission chairs.

NICARAGUA

(i) General comments

Codex Nicaragua thanks the Codex Secretariat, FAO and WHO for preparing this document and for offering

us the chance to take part in the process as from Phase 1.

We believe that the structure of the Terms of Reference is in keeping with the consultation carried out before they were drawn up.

(ii) Specific comments

1.1 With a view to focusing the review on achieving the proposed purposes, the context should expressly include the reasons for conducting the review and the repercussions of the expected results, and not be limited to presenting an outline of the background to the Terms of Reference.

2.1

Suggested wording:

- **Assess [change of wording irrelevant in English] the efficiency and effectiveness of current Codex strategic governance to understand identify the strengths, weaknesses and opportunities for the management of Codex at the executive level**

Rationale:

The wording of the first purpose limits the results of the review to a description of the way in which Codex is managed at the executive level. We therefore suggest making changes to the wording to include the identification of the strengths, weaknesses and opportunities for Codex at the executive level within the purpose. This will allow for a full analysis that will act as a starting point for understanding the functioning and for drawing up lines of action.

2.2

Evaluation of point 4:

The evaluation of the **ability of the Codex Alimentarius Commission to meet the needs of all stakeholders** should provide for a system for identifying and updating needs, factoring in the economic circumstances of each region. The word "needs" is broad and is even more so when it applies to all the stipulated parties. As a result, we need to determine which needs are within the remit of the Commission.

NORWAY

We appreciate this opportunity to comment upon the Circular letter on Codex Work management and functioning of the Executive Committee Terms of Reference for Secretariat-led internal review (TOR) (Phase-1).

(i) General Comments

We would like to emphasise that CCGP in 2014 had a preliminary discussion due to late arrival of documents. For CCGP 2017 there is a different situation as more information is gathered from discussions in CCEXEC and CAC 2015, and therefore further discussion in CCGP is facilitated.

CCEXEC 2015 discussed the issue and identified six key areas (strategic governance, responsiveness to emerging issues, consensus, cross collaboration amongst Codex committees, effectiveness and representativeness of CCEXEC; and efficiency of CCEXEC and CAC) and related elements which could be addressed in an internal evaluation (Phase-1). We are concerned about how these key elements are to be followed up in the Phase-1 review.

Unfortunately we were not able to respond to CL 2015/20-CAC at the time it was issued. However it is our opinion that results from this survey cannot supersede the outcome from the discussion at CCEXEC. This means that we consider keeping focus on the six identified key areas as important for the review and we are committed to discussing these six areas further.

We also consider it useful if CCGP could discuss this issue in more depth (than just the TOR of the internal review) at the upcoming meeting.

We see from the proposed timeline in paragraph 12 that the results of Phase-1 go directly to CCEXEC before CAC 2017 and not to CCGP. We would prefer and suggest having the results presented to CCGP 2017 first. The reasoning for this proposal is that CCGP has the expertise to discuss this, this approach is in line with Codex core values inclusiveness and transparency, it is open to all members and it is a "smaller" committee than the CAC. Finally this will facilitate the discussions at CAC 2017 as more members have been involved in the discussions before CAC 2017.

Finally, we would also like to express our opinion that improvements can be made within the current mandates and framework of CAC and CCEXEC; CAC can be more specific in its request to CCEXEC and CCEXEC work agenda and documents can be more specific in line with the CCEXEC mandate (and not using the exact agenda and work documents from CAC).

(ii) Specific Comments on the Terms of Reference (TOR) in the Annex

SECTION 2.2 Key questions and scope

Sub para (i): We would like to suggest including a reference to what is already stated in the Procedural Manual Article 1 and Rule V regarding the respective roles of CAC and CCEXEC. *The rationale for this proposal* is that current roles are defined here. It is our understanding that this question is raised to find out “what is missing” in comparison with what is the current role.

Sub para (ii): We would like to suggest changing the wording of the question to Example: ~~Is~~ **What can make** CCEXEC able to operate, to the extent required,

The rationale for this proposal is to receive more information than yes or no. Now it is a “closed” question. We prefer to make it an “open” question.

Bullet 4: ... meet the needs of all stakeholders; we would like to suggest using the wording: meet the needs of all **members**;

The rationale for this proposal is that Codex is a **member** driven organisation.

SECTION 3.1 Approach and tools

Paragraph 3, bullet 1: We would like to suggest including former members of the CCEXEC.

The rationale for this proposal is that these former members obviously have gained valuable experiences to be considered in phase 1.

SWITZERLAND

General remarks:

Switzerland considers the Secretariat-led internal review as an important first step to make Codex work more efficient. In this aspect, Switzerland would appreciate to receive more clarity on the views of FAO and WHO as parent Organizations of Codex regarding the internal review.

Specific remarks:

Section 2 Review framework:

Switzerland has concerns that in Section 2.2 Key questions and scope the issues regarding the structure and functioning of the Codex subsidiary bodies and the Codex decision-making process would not be covered by the Secretariat-led internal review but would be left instead for an external review. Switzerland considers it very important that the question concerning decision-making is also addressed in the internal review.

UNITED STATES OF AMERICA

General Comments :

The United States has several concerns about the proposed review, primarily dealing with the need, cost, scope and focus of the effort. An undertaking of the scope proposed in CX/GP 16/30/3 appears to go beyond what was envisaged when Japan first raised the issue, and the document indicates that it would entail an initial cost of \$100,000, plus considerable staff time and resources. It is not clear from what source the \$100,000 would be drawn, and the Commission may want to consider if the funds would be better spent on other Codex initiatives. We recommend that, in developing the work plan, the audience for the report be more clearly identified and the review be focused to ensure the targeted audience will benefit from the report. We also note that the proposed review appears in some ways to be soliciting greater direction from the parent organizations. We do not believe that the Commission indicated a desire to proceed in that direction.

The paper acknowledges in the Introduction to the TOR that work management practices are to be evaluated according to Goal 4 of the Strategic Plan. We believe that the review should remain true to this scope and strongly recommend that the review aim at advancing effective implementation of the Strategic Plan, with particular emphasis on Goal 4.

In terms of the focus of the review, it appears that much of the focus would be on the functions of the Executive Committee (CCEXEC), with little emphasis on work management practices. The United States recommends that, in order to achieve its intended purpose, the review should place greater focus on work

management practices that would make Codex a more efficient organization. This could include, for example, mechanisms to facilitate cross-committee collaboration and ways to enhance participation in electronic working groups and ensure the prompt availability of documents in all working languages.

Specific Comments :

Review Framework

2.1 Purposes

As indicated in the draft TOR, the review will concentrate on both Codex work management and the function of the Executive Committee. Therefore, in order to remain true to the scope of the review, we recommend that the first bullet under Purposes be revised to read, "Assess the efficiency and effectiveness of current work management practices, and current Codex strategic governance to understand how Codex is managed at the Executive level."

2.2 Key Questions and Scope

The proposed scope of the review focuses heavily on the responsibilities and functions of CCEXEC. We support the conclusion that it is important for the Commission to reach agreement on the appropriate functions of CCEXEC before consideration of structure or other decisions can be undertaken. Consistent with the decisions taken by the Commission in response to the 2002 evaluation, however, CCEXEC has responsibilities and existing authorities that may not have been fully exercised as intended. Therefore, we suggest another key question be added as follows, "What are the CCEXEC existing authorities and how can they be used to solve problems?"

We believe it is important that the TORs encompass the full scope of the review. Thus, we would recommend bullet (iv) be revised to read, "What are the current work management practices that should be maintained and what changes or new initiatives could be considered?" We would also recommend the sentence after bullet (iv) be revised as follows: "In order to answer these questions the review will focus on work management practices and on the relationship between the Codex Alimentarius Commission and CCEXEC."

We note that in order to respond to the key questions, the proposed TOR call for the review to consider "Alignment with policies of the parent organizations FAO and WHO." Along with many other Member Countries, the United States believes that Codex is a unique and Member-driven organization. The importance of Codex's autonomy was highlighted in the 2002 evaluation. We strongly believe that Codex must maintain this autonomy. We share the views expressed by others that the parent organizations are well-represented in Codex work. The WHO and FAO Secretariats attend and participate actively in committee and Commission sessions. At the same time, however, it has been observed that the visibility of Codex could be enhanced and considered on the agenda of the parent organizations. Thus, we would recommend the addition of another bullet that states, "Ways in which the FAO and WHO can advance and support the work of Codex." We also recommend the bullet concerning alignment be replaced/revised to read, "Need to ensure that the uniqueness and autonomy of Codex as a member-driven organization are recognized, maintained and enhanced."

We believe that the third bullet on page 6 of CX/GP 16/30/3, which reads, "Ability of the Codex Alimentarius Commission to meet the needs of all stakeholders" should be addressed in light of Activities 4.1.2, 4.1.3 and 4.1.4 of the Codex Strategic Plan. In other words, the review should include consideration of how Codex may be better able to meet the needs of stakeholders through use of new technologies to improve communication, work flow and management of activities; to improve member participation in committees and working groups; and to enhance timely distribution of documents in the working languages of the Committee/Commission.

We also note that under this section, the review will consider the core functions of CCEXEC, including its function of critical review. We believe the Review should also consider the authorities of CCEXEC, and therefore would revise this last bullet to read, "Core functions and authorities, of CCEXEC, including critical review." Under the authorities of CCEXEC, we would suggest the review consider the possibility of assigning meaningful budgetary planning and oversight responsibilities.

We are in full agreement with the statement excluding such issues as the structure and function of Codex subsidiary bodies and the Codex decision making process from the scope of the review. For the most part these are settled issues in Codex. As such, they do not warrant the expenditure of funds or reopening discussion, especially in light of the Commission's direction that the Strategic Plan should be implemented consistent with current provisions.

3. Review Methodology

We have a number of practical questions regarding the review methodology . Notably:

- Will there be an opportunity for member input into the questionnaire?
- How will the questions be validated, to minimize the likelihood of misinterpretation and ensure that responders have a common understanding of how their responses will be related to the questions?
- Will interviews be conducted by telephone, on line or in person?
- Will everyone who is asked to participate be both interviewed and requested to complete a questionnaire? If not, how many (or what percentage) will be interviewed and how many will be asked to complete a questionnaire? If not everyone will be interviewed , how will those who are interviewed be selected?
- Will observer organizations be included as stakeholders? Many observer organizations provide important technical information and rely on Codex standards in their operations.
- How will questionnaire/survey results be evaluated?

We think a better understanding of how and with whom the review will be conducted is essential before we can reach agreement on the TOR.

The proposed questionnaire/survey will be critical to the direction that the review takes and the recommendations that are formulated . While we recognize that this is a Secretariat-led review, we believe and expect that Member Countries will have input into the content of the questionnaire and an understanding of how the results will be compiled and used.

Our experience with previous surveys, (e.g., the survey on Comments on the outcome of the CCEXEC? O discussion on Codex Work Management and Functioning of the Executive Committee, September 2015), and the possible differing interpretations of questions and results by respondents and evaluators, leads us to urge extreme caution on this point, especially if responders may not have a common understanding of the questions and how results will be tabulated. It is vital that the questions be validated to ensure a common interpretation among the respondents.

4.3 Timetable

- Third entry: Under Activity, we recommend the word "conduct" replace the word "Implementation."
- Sixth entry: It should be clear that the Commission must reach consensus on the recommendations before they are implemented. Therefore, we recommend the activity be revised to read: "Implementation of those recommendations upon which the CAC reached consensus ."

Under Section 4.1, Roles and Responsibilities, it states that "The CCGP will be responsible for providing comments and suggestions on the report." The timetable does not include an entry for this, however, and if the report is to be completed by 31/03/17, we do not see how delegates to CCGP will have adequate time to review the report and make substantive comments that can be compiled for CCGP consideration consistent with the provisions of the *Procedural Manual* regarding document availability.

Again, the United States appreciates the opportunity to offer these comments and hopes that they will be helpful in structuring a review that will advance the objectives of the Strategic Plan and make Codex a more efficient and effective organization, fulfilling its Strategic Vision as the pre-eminent international food standards-setting body to protect the health of consumers and ensure fair practices in the food trade.