EC comments to Codex Circular Letter 2005/12-CAC

Review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces

The European Community and its 25 Member States (ECMS) appreciate the opportunity to address the Codex Alimentarius Commission’s request for comments on the Review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces (CL 2005/12-CAC).

General comment

We would like to take this opportunity to forward a general comment on the schedule of the meetings of Codex Committees and Taskforces, which are currently mainly concentrated in a short period of 3 months in the spring time, where from March to May there are usually meetings going on every week. We understand that a lot of constraints apply on this schedule but would like to question whether an effort could be made to spread these meetings more evenly over the year.

Specific comments on the Recommendations of the Consultants’ Final Report

1. A formal prioritization should be undertaken of all new work proposals, before resources are allocated. (5.3)

We fully agree that projects of limited interest to the wider membership and those making excessively slow progress should not waste the limited resources of Codex which should concentrate on top priorities. This prioritisation should be part of an overall process and should consider the proposals of each Committee on its priorities and programme of work, before advice by the Executive Committee and decision by the Codex Alimentarius Commission (CAC). We believe the Commission which has recently adopted critical review criteria for new work or to revise a standard should apply these rigorously, particularly in relation to the relevance of the work and proposed time-lines. Prioritisation of new proposals should be weighed against existing priorities.

2. Steps should be taken to increase the proportion of work done by correspondence (5.3)

We agree that some effort should be made to increase the work done by correspondence, particularly draft texts or work of a technical nature, in order to limit time and money expenditures. We note that the CAC will consider for final adoption at its next session two Guidelines on Working Groups, either “physical” or “electronic”, to establish clear guidance on the situations where such groups should be established. Physical meetings should be limited to

---

very specific situations and organised in such a way to allow a maximum participation, especially from developing countries.

3. **A time limit should be set for completion of each new project (5.3)**

We fully support the establishment of time limits, an essential part of the critical review process, as a rule. This would allow the implementation of the various measures adopted by the CAC at its 27th Session to facilitate consensus\(^2\), and even in some instances work to stop when issues do not progress sufficiently, i.e. when there is no consensus.

4. **Wherever possible, committees should be given enabling TOR only. They should be reactivated as necessary to undertake defined tasks and adjourned sine die once that task is completed. (5.5)**

The ECMS are in favour of reinforcing the overall management of the committees. Enabling TOR could be part of this strategy.

5. **Codex should review its remit to ensure that it conforms more closely to the current expectations of its members, having particular regard to the implications of the WTO agreements. (6.5)**

Article 1 (a) of the CAC’s Statutes clearly states the first objective is to protect the health of the consumers and ensure fair practices in the food trade. We also note that this dual Mandate has remained unchanged after extensive consideration at the 25th and 26th Sessions of the CAC. The importance of Codex work has increased since the WTO Agreements but we consider that it should continue to focus on its current objectives separate from purely trade issues within the remit of WTO.

6. **The relevance of the work of other international standards setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants. (6.5)**

The ECMS agree that close cooperation should take place with other relevant international organisations dealing with food standardisation, especially OIE and IPPC as their output is also used as reference by WTO. It is essential to avoid co-existence of conflicting standards on the same issues and also duplication of work in view of the limited resources available to Codex. In addition it is of primary importance to confirm clear lines of demarcation between the officially recognised organisations. It should also be identified in what relevant areas there is no ongoing work neither in Codex nor in other international organisations in order to ensure that the whole food chain is covered and to avoid the existence of major gaps.

As regards other international organisations, attention should be paid to the inclusiveness of the concerned bodies.

7. A regular meeting of the chairs of subsidiary bodies should be formally recognised in the Procedural Manual. The meetings may be informal, but a summary of the main points discussed should be made available to all Codex members. (7.2)

The ECMS acknowledge the usefulness of a regular meeting of the chairs of subsidiary bodies and welcome the diffusion of a summary report of the main points discussed at this meeting, but are of the opinion that a formal recognition of the meeting in the Procedural Manual is superfluous; indeed this meeting should remain informal and should not be perceived as a new governing body with a limited representativeness.

8. Steps currently being taken to encourage collegial working within the Codex Secretariat should be encouraged. (7.4)

Full support.

9. Maximum use should be made of working groups, bilateral, or other low-level contacts between sessions to reduce the time needed to reach consensus in plenary meetings. (7.5)

The ECMS favour any initiative between sessions which could reduce the time needed to reach consensus in plenary meetings and note that the CAC will consider for final adoption at its next Session the Guidelines on Working Groups, either “physical” or “electronic”, to establish clear guidance for such type of work between sessions. We are of the opinion that bilateral contacts should not be submitted to any formal procedure.

10. All standard-setting work should be subject to a greater degree of management oversight. Specifically, a new Commodities Management Committee should be established to manage the preparation and updating of commodity standards. (10.7-8)

The ECMS support the idea that all standard-setting work should be subject to a greater degree of management oversight. However, although the concept of a Commodities Management Committee could be attractive, we fear that this new structure might introduce a new layer in the procedure which might consume even more the limited resources of Codex. In addition taking into account the variety of the subjects to be dealt with, it seems difficult to gather all the relevant experts needed to make appropriate proposals to the CAC. We are of the opinion that some experience from the new managing tasks allocated to the Executive Committee should be gained before any major change to the procedure is decided.

11. All commodity committees and task forces should be given simple enabling TOR which should be revised for a limited period only, to assign specific tasks to the committee. (10.10)

See 4.

12. The circumstances in which the Executive Committee, or some other body, should carry out a similar management role for the other committees should be carefully considered by the Commission. (10.12)
The ECMS agree that a broader oversight of the subsidiary bodies is necessary to move away from the current committee focussed approach noted in paragraph 10.2. The new elaboration procedure needs to be fully operated in order to gain some practical experience before discussing possible changes and/or possible options. We indeed believe that the Executive Committee, given that its membership includes regional coordinators and regional representatives, has sufficient geographic representation to ensure that it is capable of exercising appropriate management oversight which reflects the wishes of Codex members.

13. All committees should be encouraged to adopt a more systematic approach to self-management. (8.7)

Improved self-management of committees could help in achieving the objective of an improved global management of Codex work. However in order to ensure global coherence and also facilitate cross committee interaction, we believe that general guidelines on self-management should be developed by the Codex Committee on General Principles.

14. CCFAC should be split into separate Additives and Contaminants committees. (9.4)

The ECMS strongly support the splitting of CCFAC into two committees: one dealing with additives and the second dealing with contaminants.

More generally, we are of the opinion that new countries, and in particular developing countries, should be encouraged and possibly helped to host Codex Committees and Task Forces.

15. The GSFA should be the single authoritative reference point for food additives and this should be made clear in all commodity standards. (11.11)

This is implied by the Codex endorsement procedure for food additives. This is without prejudice to the established division of work between Codex Commodity Committees responsible to determine the technological justification and need for a food additive, and also Good Manufacturing Practices (GMP), in commodity standards, and CCFAC.

16. All Codex requests for JECFA advice on additives and contaminants should be routed exclusively through the Additives or Contaminants committees (11.9)

Full support.

17. Consideration should be given to re-writing the TOR of CCMAS and re-assigning responsibility for specifying methods of analysis and sampling to the committee specifying the relevant limits. (12.3)

The ECMS note that methods of analysis are already developed in specific Codex Committees. Nevertheless CCMAS has an overseeing role for general methodology considerations and an endorsing role for specific methods proposed by the Codex Committees. It is essential that these roles be maintained else there will be disharmony of approach by the various Codex Commodity

---

Committees with regards the general requirements for specific methods. In addition, there is no other Committee which can develop the horizontal requirements in the methods of sampling and analysis areas for Codex. All of these needed to be done in order for the interpretation of Codex Standards to be both effective and uniform. In addition, it has to be underlined that laboratory experts usually do not participate in Commodity Committees and that it seems difficult to get their expertise in all the relevant Committees should the competence be transferred.

18. The Commission should consider carefully whether nutrition should play a role in Codex, and if so, what that role should be. (12.5)

Nutrition is already currently covered in the Terms of Reference of the Committee on Nutrition and Foods for Special Dietary Uses and the Committee on Food Labelling. However some reflection is probably needed as regards the global involvement of Codex in the field of nutrition. The ECMS support the view that general consideration should be given to how nutrition issues should be integrated into Codex work, while retaining the current mandate of Codex. The ECMS therefore favour a debate at CAC level on this issue as proposed by the Executive Committee at its 55th Session.\(^4\)

19. CCMH should now be wound up. CCFH should consider possibility of drafting a set of general guidelines to help rationalise hygiene provisions in commodity standards. (12.6)

The ECMS take note of the proposal for adjournment of the Committee on Meat Hygiene to be possibly confirmed at next Session of the CAC. Should new issues on meat hygiene arise in the future, the ECMS are of the opinion that flexibility should be kept on the most appropriate way to address these issues, either by a dedicated task force, or by mandating the Committee of Food Hygiene.

As regards the rationalisation of Codex Standards and related texts on hygiene provisions for commodities, we would like to recall that an endorsement procedure\(^5\) by CCFH already exists and that there is therefore no need to broaden the mandate of CCFH.

20. Provision for the drafting of regional standards should be removed from the TOR of the Regional Coordinating Committees. (12.8.)

Nowadays in the context of globalisation of the food trade, the usefulness of regional standards seems to have decreased. The ECMS indeed note that a number of Regional Committees no longer produce Regional Standards.

\(^4\) ALINORM 05/28/3, paragraphs 84 to 90.