15 February 2016

European Union comments on CX/GP 16/30/3

Codex work management and the functioning of the Executive Committee

Terms of Reference for Secretariat-led internal review (phase 1)

Agenda item 3 of CODEX COMMITTEE ON GENERAL PRINCIPLES

30th Session

Paris, France, 11-15 April 2016

Member States Competence
Member States Vote

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.

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