

CODEX CAPSULE 2

Slide 1

This part will focus on operations of Codex.

In other words:

How does Codex work?

Codex works through technical committees that we will call subsidiary bodies.

These committees report to the Commission or Codex Alimentarius Commission (CAC), where the decisions are made through representation of the various members and observers of Codex.

Again, the word Codex or Codex Alimentarius means or stands for **the Food Code**:

- Codex = Code
- Alimentarius = Food

But the word Codex is used interchangeably to mean both the product, i.e. the Food Code, as well as, the organization or Codex Alimentarius Commission (CAC).

4 Types of subsidiary bodies are established to help carry out the work. Each subsidiary body is hosted by a member country.

First:

The General Subject or Horizontal Committees which cover issues and develop standards that are independent of the type of food.

This is the case with the food labelling committee or the committee in charge of contaminants in food.

Second:

The Commodity Committees or Vertical Committees.

These are specific to a type of food, such as, spices or meat and meat products.

These committees tend to focus on quality requirements even though we may also see specific safety considerations that are derived from the horizontal requirements – but, applied to the target commodities.

Third:

For some topics, where there is no natural host, it is possible to set an Adhoc Intergovernmental Taskforce. The Taskforce works for a limited time to address an issue, such as, standards and guidance on the production of animal feed or the way antimicrobial resistance can be assessed and managed.

These Adhoc Taskforces are managed like any other committee. They are hosted by a country that agrees to do so with the blessing of other members. They also follow the same procedure in the way they are operated. The only difference is that once they complete their mandate, they are adjourned indefinitely.

Fourth:

The FAO/WHO Regional Codex Coordinating Committees, which have, among other roles, the responsibility to support coordination efforts in Codex activities in a given region. They are also meant to serve as the main vehicle to develop regional standards for commodities that are primarily produced and traded within a given region.

There are 6 of such committees:

- CCEURO for Europe.
- CCASIA for Asia.
- CCLAC for the Latin America and Caribbean region.
- CCNASWP for North America and the South West Pacific.
- CCAFRICA for the African countries
- CCNE for Near East nations.

Countries can choose to be part of a geographic region based on their geographic representation in the parent organizations of Codex, FAO and WHO.

Morocco is, for example, part of CCAFRICA while Tunisia, Algeria, Libya and Egypt belong to CCNE.

Countries hosting Regional Codex Coordination Committees are elected on a geographic basis, as regional coordinators.

There is one committee that I did not mention and that is the Executive Committee or CCEXEC.

This is the executive arm of the Codex Commission.

It serves to offer advice to the Commission on proposed new work or new standards.

It assesses the progress of work and offers direction as to its efficiency – this is what we call the Critical Review.

It also review applications of new observers and makes recommendations in that regard to the Commission.

The members of CCEXEC are also elected members on a regional basis.

We have a member for Africa and one for Latin America and the Caribbean, one for Asia, one for the South West Pacific, one for North America (here, North America and the South West Pacific are distinct), and finally one for the Near East.

Each member is allowed to invite up to 2 advisory countries to attend the CCEXEC.

Regional coordinators are also members of the CCEXEC.

Both the Commission and the CCEXEC are chaired by the Codex Chairperson, assisted by 3 Vice-Chairs.

The Chair and the Vice-Chairs are elected by members for a one year term, renewable twice.

The Chair and the 3 Vice-Chairs or as we call the ensemble, the Codex Bureau, are in office for up to 3 consecutive years, i.e. 3 terms of 1 year each.

The term starts after the Commission meeting where the new Codex Bureau is elected.

All Codex activities are supported by the Codex Secretariat – an office reporting to both FAO and WHO – whose mission is to administer the Codex Program.

This office is based in Rome, at FAO headquarters, and led by the Codex Secretary.

Both the Executive Committee and the Secretariat are the 2 main structures through which Codex work and therefore the Codex Commission operations are managed.

As to the other Subsidiary Bodies or Committees, they are made up of an Adhoc Taskforce, if one is in action, of active Horizontal or General Subject Committees plus active Vertical or Commodity Committees.

When Committees don't have an active agenda, they are adjourned sine die. This does not mean that they do not operate at all, rather, they are reactivated when there is a need for them to function.

Before starting new work – Codex has to consider if the proposed standard or text is of importance.

This is because it is likely to require important resources for its development, from Codex and all its members.

Therefore, it is important to consider carefully the relevance of any new work.

This analysis is conducted under a very organized process.

Criteria for the development of new work have been established and a Document, known as a Project Document, must be developed for each proposed new work. The Project Document presents an analysis to justify the need to start a new initiative under Codex, a standard, a code of practice or a guideline.

The Project Document is the basis of the discussion that generally takes place at Codex Committees first, suggesting to start the work, then at the Codex Executive Committee or CCEXEC, to envisage such new work.

This takes place prior to the possible consideration and endorsement of this new work, at the Codex Commission, and then starting the work, under a very well codified procedure.

The criteria against which the justification of new work is made includes:

- First, the consideration that the new text is very much in line with the Codex Mandate, meaning: the protection of consumer's health and enabling fair practices in the food trade.
- Second, whether the new work is really trying to address an issue of importance at the Global or regional level (for regional standards or texts). The idea is not to start new work in the form of a proposed solution, where the problem is not considered important.
- Third, to ensure that this work does not duplicate work done under other forums, or if there is overlap, to consider leveraging the work done by other international standardization forums. The rationale: sometimes a codex standard is needed, even if other standardization bodies at the international level worked on the same issue because of the nature of Codex and its inclusive character. If this was in fact the case, it is important to consider taking stock of the work already done and leverage its results.
- Fourth, it is important to consider that the new work will be addressing food commodities that are important to international trade, meaning that the volume of products traded is considered of importance, and therefore the standard or the Codex text will be useful.
- Fifth: It is important to analyze the trade problems that the proposed text would address and the possible trade barriers it would help alleviate.

We discussed earlier the need to offer the justification for new work under Codex, through the development of a Project Document.

This Project Document is the basis of the analysis of the relevance and importance of any new work under Codex, under the process called the “Critical Review”.

That is why the project document must contain information that presents the new work and offer all the justifications needed for its importance.

The project document must contain paragraphs that speak to:

- the purpose and the scope of the standard.
- the relevance of the standard and its timeliness – meaning that this is right time for its development.
- the main aspects that the standard intends to cover.
- then follows an attempt to assess the proposal in the document itself against the criteria of the Critical Review – meaning the criteria to establish new work priorities.
- We also need to have information on the possible relationship between the new work or the new codex texts and others that have already been developed and adopted.
- the document needs to identify whether scientific advice is needed and whether it has been made available through the advisory bodies of Codex.
- The document also should mention if any additional support may be needed from external bodies, such as ISO, AOAC or any other organization.
- the way this new work would help serve the objectives of Codex and align with the Strategic plan of Codex under way, needs also to be addressed in the document.
- Finally, a proposed timeline needs to be offered as to the way Codex and its subsidiary body or bodies intends to complete the

work – with a proposed date for the possible adoption of the standard or text by the Commission.

The Critical Review is an important task conducted by the Codex Executive Committee on behalf of Codex and where advice is developed for the Commission.

It is through this Critical Review that new work gets proposed and examined. The revision of standards also gets considered here.

One of the important criteria to be considered for this phase is whether the proposed work addresses the priorities of developing countries.

The Critical Review also examines whether a new subsidiary body needs to be convened, in particular an Adhoc Intergovernmental Taskforce, or even a new committee, their creation, their adjournment and their possible dissolution, if required.

The reliance on scientific advice also gets discussed and is generally prioritized as part of this process

Codex is an organization that develops standards with the contribution of over a 100 members at a given time.

It is therefore important that the organization follows a very clear procedure that governs how standards are developed and how they evolve.

The procedure governing the development of a standard encompasses 8 steps with a crystal clear function for each step.

- Step 1: is the step where the proposed standard or text is developed and is endorsed as a new work by the Commission – This generally happens at the recommendation of one of the technical committees and is supported by analysis showing why this work is relevant and even important for Codex, at the juncture, that it is being proposed. This is what the Codex Executive Committee does and recommends.
- Step 2: is when the work of drafting of the standard takes place. This is generally handled through a technical committee and a working group whether electronic or physical that leads this work. This is also led by one or more members that chair and co-chair the work.
- Step 3: Is where the Codex Secretariat circulates the proposed draft for comments to seek input.
- Step 4: is when the proposed text gets discussed at the Committee for the first time, after it was approved to be new work. So Step 4 includes the deliberations during the meeting of the technical committee leading the work.

From Step 4 several options and scenarios may take shape.

One of the options is that the Committee decides to continue its discussion at an upcoming session and the standard is held at Step 4.

The Second option is that the proposed text or standard is amended during Committee discussions and would benefit from another round of comments, therefore, the standard or proposed text would be returned to Step 3 and recirculated, in the new form, by the Codex Secretariat, for comments, before returning for re-examination at Step 4 at the following meeting.

The third option is that the standard is deemed to require even more work, and would be sent back to step 2, meaning the drafting process, and from there it would follow the same process to make its way back to committee for reconsideration at Step 4.

One of the most favorable outcomes, is that the standard moves to the next step – meaning Step 5 – This is a Step where standards are considered to have advanced well enough that most of provisions are ready for adoption and some items left generally in square brackets would be considered for further discussion.

Step 5 requires the involvement of the Codex Commission, and therefore the standard is examined for adoption at Step 5, as a Draft standard by the Commission, upon recommendation of the Committee.

Now after Step 5, the Codex standard continues its progress...

- Step 6 is the step at which the standard is circulated to members and observers for comment on the items in square brackets, meaning the areas still subject to discussion.
- Step 7 is the step at which the Codex text is examined again at the Committee after it was adopted as a draft standard.

Here again a few scenarios may happen,

Either the text can stay step 7, for further discussion at the next committee meeting.

It can be returned for further circulation and comments, considering the changes proposed on those areas in square brackets – so back to Step 6.

Or, and in the most favorable scenario, the text is supported for adoption under a final version to be recommended to the Commission at Step 8.

- Deliberations at the Commission are needed for the final adoption of the text as a Codex Standard and this is Step 8.

In many cases however, the agreement on the proposed standard can be reached at Step 4 of committee discussions and there may be no other areas to discuss. At this stage the Committee may recommend the consideration of adoption under what is known as the ACCELERATED PROCEDURE. The text would then be sent for adoption at Step 5/8 ...

This requires also the involvement of the Commission, for such adoption.

You see here that the Commission is needed for both adoptions of the draft and final text so at Steps 5 and 8. And also of course the accelerated 5/8.

Let us examine a case study on the way Codex standards can help promote trade and result in positive impacts for the food production sector, on the economy, on top of the known benefits on public health.

If we take the example of a regional dish or product known in Korea as Kimchi.

A standard was proposed for development, under CCASIA, by Korea to establish clear quality and composition criteria for this product.

Considering the important trade of this product in Asia primarily, work began under CCASIA.

A regional standard was adopted and contributed to the products becoming better known and defined.

Then and based on data showcasing that the trade of this commodity goes beyond Asian countries, a proposed international standard was developed under the Committee for Processed Fruit and Vegetables (CCPFV).

Of course, the International standard leveraged the work of the CCASIA standard and after its adoption helped define the product and its characteristics with accuracy.

The adoption of a Codex Standard for such a commodity helps to make it known and therefore helps it to be more widely traded.

The adoption of this standard therefore resulted in the increase of trade of Kimchi not only within Asia but internationally. This is one of the benefits of the development of such Codex standards.

Once a standard is adopted now what?

A Codex standard is only useful when it gets used by members to serve in their own food regulatory development.

Codex standards should be used as the basis for national regulatory measures, either by adopting the standard as is, or by adapting it to fit the national context.

Again Codex standards are not mandatory, rather voluntary.

And the adoption of the standard should not happen as a “blind adoption” of the standard as is – rather an analysis should take place to consider whether the standard “fits” the national conditions.

Sometimes an exposure assessment is needed to ensure that the proposed values by Codex would be protective enough or relevant to a given country or jurisdiction.

At times also, the codex standard is adapted to the realities of the level of protection of the country, such as the level of protection to be followed.

So in essence, more so than the outcome itself, meaning the codex standard, understanding the process itself that led to the standard, such as the scientific advice or the risk assessment, the risk management considerations and using these as part of the application of the evidence based approach to be followed at the national level is the most conducive to benefit from the codex standard setting process.

It is as if the international scientific community helped in achieving the national decision for a given food issue.

This is what helps lead to more convergent and robust food standards globally.

With the way Codex is structured and considering the robustness, transparency and inclusiveness of the Codex standard setting process, Codex standards continue to be considered as a reference not only in international agreements of the World Trade Organization, but also as part of bilateral agreements or multi-lateral agreements at the regional or subregional levels.

I hope this introduction to Codex, its importance and the way standards are developed was useful to you. We will continue discussing Codex programs, their structure and organization, in other capsules.

Thank you for watching.