



联合国
粮食及
农业组织

Food and Agriculture
Organization of the
United Nations

Organisation des Nations
Unies pour l'alimentation
et l'agriculture

Продовольственная и
сельскохозяйственная организация
Объединенных Наций

Organización de las
Naciones Unidas para la
Alimentación y la Agricultura

منظمة
الأغذية والزراعة
للأمم المتحدة

COMMITTEE ON AGRICULTURE

Twenty-sixth Session

Rome, 1 -5 October 2018

Outcome of the informal open-ended working group on Food Safety Scientific Advice Programme

Queries on the substantive content of the document may be addressed to:

Renata Clarke
Senior Food Safety and Quality Officer
Food Safety and Quality Unit
Tel: +39 06 5705 2010

*This document can be accessed using the Quick Response Code on this page;
an FAO initiative to minimize its environmental impact and promote greener communications.
Other documents can be consulted at www.fao.org*

MX397



COAG 26

I. Background

1. FAO plays a key global role in food safety governance and in food safety capacity development. FAO hosts the Secretariat of the Joint FAO/WHO Codex Alimentarius Commission and, jointly with the World Health Organization (WHO), provides scientific advice that underpins Codex standards. The Joint FAO/WHO programme providing scientific advice in support of Codex standard setting remains a foundational element of global food safety governance. Without the authoritative and globally-relevant advice from the Joint FAO/WHO expert bodies, the setting of many critical Codex food safety standards would not be possible. In recent years the members of the Codex Alimentarius Commission (CAC) have underlined the urgent need to secure increased and more sustainable funding for this programme in order to address the increasing backlog and ensure the continued delivery of the scientific advice vital for the work of the CAC. Such calls have been echoed in various FAO governing bodies.

2. Member countries have raised the issue of the possibility of broadening the donor base not only with respect to increasing the country-base but also to include private sector donors. So far, FAO has underlined the critical need to safeguard the independence and impartiality of the Scientific Advice Programme from risks – real and perceived – of conflict of interest, which would be linked to the receipt of funds from the private sector (companies and larger foundations funded or governed by private sector or commercial food organizations). WHO has also clearly stated in the past that they consider receipt of private sector funds for this purpose to be inappropriate. In 2017, FAO established an Umbrella TF to facilitate the receipt of extra-budgetary funds from member countries for the strengthening of the Scientific Advice Programme.

3. At its 25th Session (26-30 September 2016), the Committee on Agriculture (COAG), *“agreed to mandate its Bureau to create an informal open-ended Working Group to consider options for adequate and sustainable funding for WHO/FAO’s Food Safety Scientific Advice Programme, building on the recommendations of the Codex Alimentarius Commission and to present its recommendations for consideration to an appropriate FAO Governing Body during 2017-18.”*

4. The Terms of Reference developed for the open-ended working group (OEWG) required then to: consider options for adequate and sustainable funding for WHO/FAO’s Food Safety Scientific Advice Programme, building on the recommendations of the Codex Alimentarius Commission; to conduct this assessment through a consultative process involving WHO, state-actors, and IGOs accredited by the Codex Alimentarius Commission; and to submit its findings to the FAO Council in 2017.

II. Main considerations and conclusions of COAG’s open-ended working group

5. The open-ended working group of the Committee for Agriculture met twice (28 February 2017 and 20 September 2017) in a broad consultative manner. In accordance with its mandate, it invited state-actors as well as International Governmental and Non-Governmental Organizations that are observers to Codex Alimentarius Commission. Given the joint nature of the FAO/WHO Scientific Advice to Codex, WHO was also invited to take part in the OEWG deliberations (they were present at the First OEWG meeting). As a result of its deliberations, the open-ended working group developed a series of considerations:

- Communication and advocacy

There was agreement on the need to continue to improve the awareness among key stakeholders (member countries, but also within FAO and among the codex membership itself) of the importance of Codex (and highlight the essential role of independent scientific advice has in the context of international standards development) and its benefits to member countries, both in terms of economic development and public health.

- Enhancing transparency and accountability of the request for additional resources
It was requested to better communicate the estimated requirements for additional resources required to enhance and improve the efficiency and delivery of the Scientific Advice Programme and to clearly demonstrate the expected results and benefits that would be derived from additional resources. It was noted that this information is available in the Umbrella Trust Fund Project document, but may benefit from better communication

6. The OEWG identified three major tracks that it considered for their feasibility to increase the funding for scientific advice:

- Track 1: Enhanced member contributions
 - It was recognized that in order to achieve enhanced contributions from members, more outreach using effective communication would be required, both to widen the donor base, and to cement and enhance existing donor contributions. The notion of multi-year commitments should be emphasized to improve the predictability of funding.
 - Several members were of the opinion that relevant FAO governing bodies should consider allocating unspent balance of the biennial budget to support the Scientific Advice Programme.
 - Assessed voluntary contributions were identified as another option, which is currently not in the background document.
 - Whereas the focus of the discussions in the OEWG was on funding options, it was underlined that also non-monetary (in-kind) contributions should be considered and encouraged under this track.
- Track 2: Mechanisms for participation of non-state actors
 - Recalling that numerous governments and their food safety risk assessors operate using fee-for-service schemes, there was a need to clarify the legal feasibility and related aspects within FAO's rules and regulations. A fee-for-service should be seen as a contribution by requestors/benefactors for the provision of an essential service (a global public good). There was the recognition that the fees paid for a service could also be used to cover other costs.
 - With regards to food trade tax, in line with the conclusion reached by the Codex Alimentarius Commission at its 38th session, there was general agreement that this was not an option to be pursued further.
- Track 3: Setting up a blind multi-donor trust fund open to state and non-state actors
 - The meeting discussed the notion that the work of the Scientific Advice Programme can be split into areas of varying sensitivity, and that these could be managed according to their respective risks.
 - In recognition of the fact that any support from the private sector for scientific advice through a blind donor trust fund is fundamentally different from a partnership agreement and it is not desired to be regarded as a partnership, there is need for DPS (Partnerships and South-South Cooperation Division) to clarify to what extent partnership rules / which (risk) management rules apply for such a novel construct.
 - Given the relatively small resource volume required, it is important to consider costs of the firewalls necessary to not compromising independence and impartiality of FAO's Scientific Advice Program.
 - Finally, the attendees were reminded that there are also risks associated with the current system, and any new proposals should be considered in light of what different risks may be introduced. Inevitably, there is also a risk associated with taking no action and these risks need to be weighed.

III. Action of the FAO Council

7. These considerations of the Open-ended working group of the Committee for Agriculture were then further discussed at the Joint Meeting of the 122nd Session of the Programme Committee and 169th Session of the Finance Committee (6 and 9 November 2017)¹.

8. The FAO Council at its 158th Session in Rome on 4-8 December 2017 subsequently endorsed² the Report of the Joint Meeting and approved:

- “The allocation, with agreement from resource partners, of 10 percent of the unspent balances of the MAFAP/FMM Trust Funds, up to a maximum of USD 0.5 million, for the blind Trust Fund aimed at supporting a sustainable funding solution to the FAO’s work and activities relating to scientific advice for food safety and the Codex Alimentarius;” and
- “The allocation of fifty percent of unspent balance of the 2016-17 appropriations above a threshold of USD 5 million, up to a maximum of USD 1 million, towards the blind Trust Fund”.

IV. Implementation of Council Recommendation: Proposed Option

9. Recommendations to implement the Council recommendations are under development with respect to additional funding to be provided for the FAO Programme of Food Safety Scientific Advice, covering the scientific advice activities of the joint FAO/WHO committees JECFA³, JEMRA⁴, and JMPR⁵ and ad hoc FAO/WHO Expert Bodies (“Food safety Scientific Advice Programme”).

10. As noted earlier, FAO has established an Umbrella programme to facilitate the receipt of voluntary funds from member countries for the strengthening of the Scientific Advice Programme. Two Trust Funds (Canada is the donor in both cases) are already operational and contribute to the results and outputs identified in the Umbrella programme. The Umbrella TF has a budget target of USD 7,272,469 required to achieve expected outputs over a five year period (2017 – 2022). So far approximately USD 656,000 have been received.

11. FAO is considering to establish a new multi donor Trust Fund (MUL Trust Fund) to support the functioning of the FAO Scientific Advice Programme which could receive funding from both state and non-state actors (NSAs). The MUL Trust Fund would cover experts’ travel costs, contracts and consultants’ costs for technical preparatory work and operating expenses for the holding of the meetings. Unspent funds from FAO 2016-2017 regular programme or from other FMM/MAFAP Trust Funds (see above Council Decision) as well as contributions from member countries and NSAs could be pooled into that MUL Trust Fund to support the work of the FAO Food Safety Scientific Advice Programme.

12. In particular, private entities could provide un-earmarked financial contributions to the MUL Trust Fund in relation with norms and standard settings to support the whole programme of Scientific Advice to Codex but not for specific activities and/or topics to be carried out, nor targeting a specific country, especially regarding research that could potentially lead to policies, guidelines, and/or statements.

13. Work on defining the appropriate firewalls to safeguard the independence and integrity of the Scientific Advice Programme at FAO are currently underway. It is emphasised that this proposed engagement with the private sector would not constitute a bilateral partnership with FAO: any funds

¹ <http://www.fao.org/3/a-mv224e.pdf>

² http://www.fao.org/fileadmin/user_upload/bodies/CL_158/CL158_Rep_EN.pdf

³ Joint FAO/WHO Expert Committee on Food Additives

⁴ Joint FAO/WHO Expert Meetings on Microbiological Risk Assessment

⁵ Joint FAO/WHO Meeting on Pesticide Residues

received by the Organization from the private sector and other NSAs would still be subject to a general risk analysis and review through the due diligence system.

14. FAO wishes to highlight that the FAO/WHO Scientific Advice Programme is irreplaceable in terms of global acceptability, representativeness and credibility. It is therefore of paramount importance that its neutrality and integrity be fully preserved and be unquestioned.

15. FAO acknowledges however that a zero risk situation will be very difficult to achieve. Recent examples show that, even in the status of funding for the Scientific Advice Programme and in the presence of routine risk management measures, there is still periodic disruptive questioning linked to perceived undue influence of industry.

16. Finally, given the Joint nature of the FAO/WHO Scientific Advice Programme and the fact that any reputational risk would be equally borne by FAO and WHO, the acceptability to WHO of an expanded resource base (i.e., private sector contributions) for the Scientific Advice programme, programmes managed FAO will need to be ascertained before FAO enters into any such agreement. FAO has initiated discussions with WHO to explore the issue further.