Overview of RIA (Regulatory Impact Assessment) & its implementation in CODEX system

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RIA ... what’s for?

• Clear justification for the need of Regulation
• Explore and assess the alternatives (taxes, grants or fines)
• Identify all costs and benefits
• Enhance the quality and relevance of regulation
• Improve governance systems
• Improve public service outputs
• Enhance consultation
• “Try out ” of negotiations
• Prepare → “no surprises”
RIA ... facilitates policy-maker to ....

- Encourage a more structured and explicit examination of expected costs and benefits
- Highlight importance of consultation with stakeholders
- Encourage earlier focus on enforcement and compliance issues
- Who will enforce the regulations, what are the compliance targets?
- Introduce performance indicators for regulations, so that we can know if regulations are working well (or not working well)
- Respond to potential “dispute” → WTO
- Can help address cross-cutting issues
- Can identify unintended effects as well as alternative solutions

RIA (Regulatory Impact Assessment) is......

- Framework for assessing the likely effects of a proposed regulation, or of regulatory change
- Means of assessing the impacts, side effects and costs of regulation
- Includes structured consultation with stakeholders and citizens
- Discipline to be applied at early stage in the regulatory cycle – before Government decides to regulate
- Not a substitute for decision-making but can help to inform policy decisions
RIA (Regulatory Impact Assessment) is……

a vetting process……

→ Before recommending regulations, policy review should be done
→ consider the potential for alternative approaches → RIA

RIA … at CODEX

a vetting process……

→ Before starting a new work!
→ Develop Discussion paper & Project document
Ria (Main – Committee)
General criterion
- Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.

Criteria applicable to general subjects
(a) Diversification of national legislations and apparent resultant or potential impediments to international trade.
(b) Scope of work and establishment of priorities between the various sections of the work.
(c) Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies).
(d) Amenability of the subject of the proposal to standardization.
(e) Consideration of the global magnitude of the problem or issue.
RIA ... at CODEX

Committee

Discussion paper

Project document

RIA (Main – Committee)

General criterion
- Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.

Criteria applicable to commodities
(a) Volume of production and consumption in individual countries and volume and pattern of trade between countries.
(b) Diversification of national legislations and apparent resultant or potential impediments to international trade.
(c) International or regional market potential.
(d) Amenability of the commodity to standardisation.
(e) Coverage of the main consumer protection and trade issues by existing or proposed general standards.
(f) Number of commodities which would need separate standards indicating whether raw, semi-processed or processed.
(g) Work already undertaken by other intern’l organizations in this field and/or suggested by the relevant intern’l intergovernmental body(ies).

RIA ... at CODEX

Committee

Discussion paper

Project document

RIA (Main – Committee)

General criterion
- Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.

Yes
RIA ... at CODEX

Committee

Executive Comm (critical review)

Discussion paper

Project document

? CR

RIA (Final check!!! – at CCEXEC and CAC)

General criterion
- Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.

Yes

Critical Review (CCEXEC):
1. Prior to approval for development, each proposal for new work or revision of a standard shall be accompanied by a project document, prepared by the Committee or Member proposing new work or revision of a standard, detailing:
   - the purposes and the scope of the standard;
   - its relevance and timeliness;
   - the main aspects to be covered;
   - an assessment against the Criteria for the Establishment of Work Priorities;
   - relevance to the Codex strategic objectives;
   - information on the relation between the proposal and other existing Codex documents as well as other ongoing work;
   - identification of any requirement for and availability of expert scientific advice;
RIA ... at CODEX

Committee

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   - an assessment against the Criteria for the Establishment of Work Priorities;
   - relevance to the Codex strategic objectives;
   - information on the relation between the proposal and other existing Codex documents as well as other ongoing work;
   - identification of any requirement for and availability of expert scientific advice;
   - identification of any need for technical input to the standard from external bodies so that this can be planned for;
   - the proposed time-line for completion (including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission; the time frame for developing a standard should not normally exceed five years).

RIA (Final check!! – at CCEXEC and CAC)

General criterion
• Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.

Discussion paper

Project document

CR

Yes

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RIA ... at CODEX

Committee

Critical Review (CCEXEC):

2. The decision to undertake new work or to revise standards shall be taken by the Commission taking into account a critical review conducted by the Executive Committee.

3. The critical review includes:
   • examination of proposals for development/revision of standards, taking into account the "Criteria for the Establishment of Work Priorities", the strategic plan of the Commission and the required supporting work of independent risk assessment;
   • identifying the standard setting needs of developing countries;
   • advice on the need for coordination of work between relevant Codex subsidiary bodies.

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   - identifying the standard setting needs of developing countries;
   - advice on the need for coordination of work between relevant Codex subsidiary bodies;
   - advice on establishment and dissolution of committees and task forces, including ad hoc cross-committee task forces (in areas where work falls within several committee mandates); and
   - preliminary assessment of the need for expert scientific advice and the availability of such advice from FAO, WHO or other relevant expert bodies, and the prioritisation of that advice.

Step 1 (CAC):
2. The decision to undertake new work or to revise standards shall be taken by the Commission taking into account a critical review conducted by the Executive Committee.

3. The critical review includes:
   - advice on establishment and dissolution of committees and task forces, including ad hoc cross-committee task forces (in areas where work falls within several committee mandates); and
   - preliminary assessment of the need for expert scientific advice and the availability of such advice from FAO, WHO or other relevant expert bodies, and the prioritisation of that advice.
Step 1 (adoption of a new work)

- The Commission decides, taking into account the outcome of the critical review conducted by the Executive Committee, to elaborate a World-wide Codex Standard and also decides which subsidiary body or other body should undertake the work.
- A decision to elaborate a World-wide Codex Standard may also be taken by subsidiary bodies of the Commission in accordance with the above mentioned outcome, subject to subsequent approval by the Commission at the earliest possible opportunity.
- In the case of Codex Regional Standards, the Commission shall base its decision on the proposal of the majority of Members belonging to a given region or group of countries submitted at a session of the CAC.

Step 2

The Secretariat arranges for the preparation of a proposed draft standard.

In the case of Maximum Limits for Residues of Pesticides or Veterinary Drugs, the Secretariat distributes the recommendations for maximum limits, when available from the Joint Meetings of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues (JMPR), or the Joint FAO/WHO Expert Committee on Food Additives (JECFA). Any other relevant information regarding risk assessment work conducted by FAO and WHO should also be made available. In the cases of milk and milk products or individual standards for cheeses, the Secretariat distributes the recommendations of the International Dairy Federation (IDF).
Step 3

The proposed draft standard is sent to Members of the Commission and interested international organizations for comment on all aspects including possible implications of the proposed draft standard for their economic interests.

Step 4

The comments received are sent by the Secretariat to the subsidiary body or other body concerned which has the power to consider such comments and to amend the proposed draft standard.
Step 5

The proposed draft standard is submitted through the Secretariat to the Executive Committee for critical review and to the Commission with a view to its adoption as a draft standard. In taking any decision at this step, the Commission will give due consideration to the outcome of the critical review and to any comments that may be submitted by any of its Members regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests. In the case of Regional Standards, all Members of the Commission may present their comments, take part in the debate and propose amendments, but only the majority of the Members of the region or group of countries concerned attending the session can decide to amend or adopt the draft. In taking any decisions at this step, the Members of the region or group of countries concerned will give due consideration to any comments that may be submitted by any of the Members of the Commission regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests.

Step 6

The draft standard is sent by the Secretariat to all Members and interested international organizations for comment on all aspects, including possible implications of the draft standard for their economic interests.
Step 7

The comments received are sent by the Secretariat to the subsidiary body or other body concerned, which has the power to consider such comments and amend the draft standard.

Step 8

- The draft standard is submitted through the Secretariat to the Executive Committee for critical review and to the Commission, together with any written proposals received from Members and interested international organizations for amendments at Step 8, with a view to its adoption as a Codex standard.
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- The draft standard is submitted through the Secretariat to the Executive Committee for critical review and to the Commission, together with any written proposals received from Members and interested international organizations for amendments at Step 8, with a view to its adoption as a Codex standard.
- In taking any decision at this step, the Commission will give due consideration to the outcome of the critical review and to any comments that may be submitted by any of its Members regarding the implications which the draft standard or any provisions thereof may have for their economic interests.

- In the case of Regional standards, all Members and interested international organizations may present their comments, take part in the debate and propose amendments but only the majority of Members of the region or group of countries concerned attending the session can decide to amend and adopt the draft.
RIA ... at CODEX

RESULTS ...

- Standards
- Codes of practice
- Guidelines

Codex standard

- General/ horizontal (GFSA, GSCTF, labelling, methods)
- Product standards (group or individual)/ Regional standards
- Residues/ limits
- Hygiene
- Contamination prevention
- Principles
- Certification, Inspection
- Risk analysis
- Sampling

RIA ... at CODEX

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