REPORT OF THE EVALUATION OF
THE CODEX ALIMENTARIUS COMMISSION

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Preparing Codex for its Role in the New Millennium

Introduction

1. The Codex Alimentarius Commission (CAC) was established in 1963 as an intergovernmental body by the United Nations Food and Agriculture Organization (FAO) and World Health Organization (WHO). Membership is open to all Member States of FAO and WHO. There are currently 168 members and 149 International Non-Governmental Organizations (INGOs) with observer status representing producers, industry and civil society and 58 intergovernmental organizations (of which 16 are UN and UN specialized agencies). Standards are developed through 29 subsidiary bodies consisting of regional, commodity and general committees, of which 24 are active.

2. The work of the CAC, which currently meets in full body every two years, and its subsidiary bodies is supported by a small secretariat (“Codex secretariat”) housed in FAO and funded and managed jointly by FAO and WHO. The cost of regional, commodity and general committees is met in whole or in part by host countries; but, also supported administratively by the Codex secretariat. Members bear the cost of their own participation in meetings.

3. Expert scientific advice to inform Codex standard making is provided by two established expert committees financed and administered jointly by FAO and WHO. The Joint FAO/WHO Committee on Food Additives (JECFA) is responsible for food additives, contaminants and veterinary drug residues and the Joint FAO/WHO Meetings on Pesticide Residues (JMPR) for pesticide residues. The Joint FAO/WHO Meetings on Microbiological Risk Assessment (JEMRA) is a new group, still termed a ‘joint expert consultation’ rather than a formal committee, and is responsible for microbiological risk assessment. Other expert consultations may be set up as needed. Committees and expert consultations are administered and financed independently of Codex by FAO and WHO. JECFA and JMPR each have a joint secretary in each Organization.

4. Codex has accomplished much since it was founded in 1963 to improve consumer protection and facilitate fair trade. Codex has been successful in establishing international food standards because its work has strong scientific underpinnings. It is because of Codex’s success that its health, food safety, and commodity standards now serve as references under the World Trade Organization’s (WTO) Agreements on Sanitary and Phytosanitary Measures (SPS) and Technical Barriers to Trade (TBT). This status in the WTO provides an incentive to ensure that Codex maintains and strengthens its credibility.

5. In addition, the decisions made by Codex have profound effects on the economies and the health and well being of citizens around the world. The fact that 168 nations are
members of Codex—and that this membership represents 98 percent of the world’s population—further illustrates the great influence and responsibility of Codex. For more detailed information about Codex, its organization and accomplishments, see http://www.codexalimentarius.net/.

**Background**

6. The Mandate of Codex is the development of scientifically sound international standards and norms for consumer health protection and fair food trade practices. To continue to meet this mandate, many have recognized that Codex needs to change significantly in order to remain effective and relevant to all member countries, and meet new challenges. These new challenges to national governments and codex include:

- Growth in world food trade and its economic importance to all countries;
- Increasing concern worldwide regarding food-borne diseases;
- New food technologies being introduced and new products in the market place;
- Risk of food bio-terrorism; and
- Growing status of codex standards in the WTO agreements.

7. Further, there is widespread agreement of the need for the fullest participation of all members in Codex; but at present poorer countries and, to a lesser extent, those with economies in transition as defined by the U.N., have too little involvement and influence. Many developing countries feel that it is difficult to make their voices heard in Codex. Governments in developing countries do not always consider attendance at Codex meetings a high enough priority among many pressing demands for resources. Thus developing countries have highlighted financial resources as overwhelmingly the main barrier to their fuller participation in Codex. A new mechanism was needed to facilitate attendance at meetings by developing countries.

8. Over three years ago, the Commission expressed its desire to see a number of initiatives undertaken to strengthen Codex and its value to all member countries. This desire lead to the development of the Chairman’s Action Plan\(^1\), a Codex Strategic Framework for 2003–2007\(^2\), and an independent review and evaluation of Codex and

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related activities of FAO and WHO to develop specific recommendations for improvements.

The Chairman’s Action Plan

9. After extensive consultations with a wide cross-section of Codex members and officials and representatives of non-governments organization (NGO’s), the Chairman of the Codex Alimentarius Commission submitted an Action Plan to the Commission in June 2001. The Chairman’s Action Plan represented a set of proposals that working together were designed to achieve the following outcomes:

- Improved efficiency and speed of the Codex process and consensus building;
- Further strengthened scientific support and science-based decision making;
- Increased participation of developing countries through a new FAO/WHO Trust Fund;
- Greater transparency and participation of non-governmental organizations; and
- Increased support from WHO and FAO.

10. The proposals included in the Chairman’s Action Plan were an interdependent package because they addressed improvement in Codex’s deliberative processes, meaningful participation by member countries and effective inclusion of NGO’s, including consumer groups. These would strengthen and position Codex to deal with current and emerging food safety and fair trade issues on a more timely basis, improve Codex’s efficiency and effectiveness overall, and attain and sustain improved transparency. In this manner, they were design to address the needs and interested of all member countries.

11. In 2001, the Commission embraced the Chairman’s Action Plan and it became a key reference document for the subsequent FAO/WHO Evaluation of Codex. In addition, WHO, with support from FAO, followed up on the proposal to establish a new trust fund for improving developing country participation in Codex. The Trust Fund was initiated in February, 2003.

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12. In parallel with the development of the Chairman’s Action Plan the Codex leadership also developed, and the 2001 Commission adopted, a first ever Vision Statement and six Strategic Objectives to guide the Codex work planning and priorities. The Vision statement of Codex is:

“The Codex Alimentarius Commission envisages a world afforded the highest attainable levels of consumer protection, including food safety and quality. To this end, the Commission will develop internationally agreed standards and related texts for use in domestic regulation and international trade in food that are based on scientific principles and fulfill the objectives of consumer health protection and fair practices in food trade.”

13. The Codex Strategic Framework adopted in 2001 included this vision, renewed the Commission’s commitment to decision-making based on scientific evidence, put special emphasis on the needs of developing countries, and established six Strategic Objectives and related priorities. The full Strategic Framework is provided in the materials for the RIMSA Conference. Highlights include:

Promotion of Sound National Food Control and Regulatory Systems from Farm to Table

- Promote sound national food control infrastructures, including human resources;
- Promote the safety of foods entering domestic and international trade; and
- Promote bilateral mutual recognition and equivalence.

Promotion of the Widest Application of Risk Analysis

- Complete establishment of sound working principles for the application of risk analysis;
- Promote consistent application of scientific principles;
- Promote farm to table risk assessments; and
- Promote transparency through effective risk communication.

Promotion of Seamless Linkages between Codex and Other Multilateral Bodies

- Work closely with other relevant international standard-setting bodies;
- Promote coordination of all food standards work to minimize duplication of effort; and
• Provide technical input and expertise and contribute to building consensus on contemporary food standards and regulatory policy matters.

**Increased Efficiency and Stronger Management Oversight of Codex Work**

• Enhance capacity to respond effectively and expeditiously to new issues, concerns and developments in the food sector;

• Refocus the manner in which the Commission and its subsidiary bodies produce outcomes;

• Set deadlines for all work; and

• Strengthen consensus-based decision making.

**Full Participation by Codex Members and Interested Parties**

• Facilitate the effective participation of developing countries in all Codex work;

• Enhance national capacity, coordination and communication regarding Codex; and

• Promote and facilitate the participation of scientific, industry, consumer, and public interest groups.

**Promote the Maximum Use of Codex Standards, Nationally and Internationally**

• Assure the application of sound science and the principles of risk analysis in Codex on a consistent basis;

• Assure that Codex standards and guidelines reflect the needs and special concerns of the developing world;

• Assure that Codex processes are inclusive, transparent and provide for participation and input from all interested groups, both at the national and international levels.

14. This strategic framework has been put to work immediately in guiding the ongoing Commission work planning for 2003 – 2007. It is impacting the activities of the Codex Committees as well.

**Evaluation of the Codex Alimentarius and Other FAO and WHO Food Standards Work**

15. At the 49th (Extraordinary) Session of the Codex Executive Committee in September 2001, an announcement was made that FAO and WHO had agreed in
principle on a comprehensive review of the Codex program as requested by the Commission. The modalities and terms of reference of the review (re-named the “Joint FAO/WHO Evaluation”) were subsequently established by the respective units responsible for program evaluation in the secretariats of the parent Organizations. In conformity with current practices for such evaluations and the expressed wish of the Executive Committee, the evaluation was conducted both with a strong external component in the Evaluation Team and by the convening of an independent Expert Panel to advise the Evaluation Team.

16. The final Report of the Evaluation of Codex Alimentarius and other FAO and WHO Food Standards Work on Food Standards\(^4\) was completed in November 2002, and submitted to the Directors-General and the Governing Bodies of FAO and WHO, and to the Codex Alimentarius Commission. The Commission was invited to express its views on the recommendations contained therein and also to provide guidance on how the recommendations directly concerning the Commission might be implemented.

**Purpose and Conduct of the Evaluation**

17. The evaluation was designed to provide an input into decision making on future policy, strategy and management at the level of FAO and WHO Governing Bodies and their respective secretariats and to the Codex Alimentarius Commission. The report contains 42 recommendations. Particular attention was paid to the needs of developing countries. Although the evaluation concentrated on Codex, it covered all aspects of the food standards work of FAO and WHO, which includes capacity building and expert scientific advice.

18. The Evaluation Team consisted of five persons, three of whom, including the team leader, were external to the two Organizations. The independent Expert Panel had 10 members drawn from all parts of the world and stakeholder interests. At meetings between the Evaluation Team and the Expert Panel, key issues, procedures and recommendations of the evaluation were agreed. The evaluation also benefited from the advice of the Codex Executive Committee.

19. In the conduct of the evaluation, members of the Evaluation Team visited 24 countries in all parts of the world and at all levels of development and also the European Commission. During these visits they held discussions with civil servants responsible for health, agriculture and food, industry, trade and standard setting and with representatives of primary producers, industry, consumers and other sections of civil society. They also

had discussions with other international standard setting organizations. A questionnaire was sent to all members of Codex and non-Codex members of FAO and WHO (103 replies received of 186 sent out). A further questionnaire was sent to Codex and WHO - INGO and IGO Observers (40 replies received). There were two calls for comments on the Internet, the first completely open, the second targeted to national NGOs. The Evaluation Team also met with key informants involved with Codex, including the Chairman and other members of the Executive Committee, Chairs of some Codex committees and staff of the Codex and the FAO and WHO secretariats. A number of background papers were used, including several prepared by members of the Expert Panel.

**Findings**

20. The evaluation found that Codex food standards had a very high importance to members. They were seen as a vital component of food control systems designed to protect consumer health and for international trade in the light of the WTO -SPS and -TBT agreements. Standards were regarded as a fundamental prerequisite in consumer protection but had to be looked at in the context of the total system, especially the food safety system. International standards also provide a basis for smaller and lesser developed countries’ own standard setting. Codex has been most successful in establishing health-related standards where there is a clear science base.

21. Further capacity building in developing countries was found to be essential for these countries to protect their own citizens and to benefit from a globalizing market in food, represent their interests effectively in Codex and future WTO negotiations. While FAO and WHO capacity building were found to be making a substantial contribution internationally and to individual countries, their efforts should be strengthened and better coordinated.

22. In improving international food standard setting, it was found particularly important to strengthen the input of independent expert scientific advice into Codex, especially for risk assessment. The scientific quality of the advice given at present is rated highly, but backlogs exist and demands are expected to rise sharply in future.

23. Based on analysis of the problems identified, four main areas for improvement to enhance impact were identified. The 42 recommendations from the evaluation are designed to contribute to these:

- Greater speed in Codex and expert scientific advice;
- Increased inclusiveness of developing member countries in the Codex standard development process, including risk assessment;
• Codex standards which are of greater usefulness to Member Nations in terms of relevance to their needs and timeliness; and
• More effective capacity building to develop national food control systems.

24. The FAO/WHO Evaluation Report concluded by recommending:

• Early decisions on funding requirements and new managerial arrangements by the FAO and WHO Governing Bodies;
• Early action by the Codex Alimentarius Commission itself agreed on recommendations without loss of momentum by referral to Codex general committees; and
• Establishment of a task force between FAO, WHO and Codex chair and vice-chairs to follow-up and monitor implementation of the evaluation recommendations.

Current Situation

25. At an extraordinary 25th Session of the Codex Alimentarius Commission in February 2003, it adopted a detailed Statement concerning the outcome of the Joint FAO/WHO Evaluation of Codex Alimentarius and Other FAO and WHO Work on Food Standards for submission to the Governing Bodies of FAO and WHO. The full statement can be found in the Annex. In summary, the Commission:

• Supported the overall thrust of the Evaluation report and expressed its commitment to the implementation of strategies that would meet the objectives of the recommendations contained therein;
• Was of the opinion that its existing mandate to protect consumers’ health and to ensure fair practices in the food trade continued to be appropriate, but might be discussed in the future;
• Emphasized that its first priority would be the development of standards having an impact on consumer health and safety;
• Agreed that it should have greater independence, within the overall structure of FAO and WHO, for proposing and executing its work program and budget, once approved by the two parent organizations;
• Strongly supported the recommendation that the Secretariat be expanded and that the seniority and composition of its staff should match the Commission’s increased requirements;
• Expressed the view that there needed to be sufficient capacity within the parent Organizations to ensure that scientific advice was provided on a timely basis; that
this work needed to have greater identity within the Organizations, stronger links to Codex priorities, and internal coordination as well as significantly increased resources; and its independence from external influences and its transparency needed to be further reinforced within FAO/WHO;

• Called for a more coordinated approach for capacity building between FAO and WHO and requested the parent bodies to urgently analyze their existing means of providing capacity building and inform the Codex Alimentarius Commission on how they will improve coordination and distribution of work drawing on their mutual strengths and synergies;

• Called upon FAO and WHO to provide additional Regular Program resources, supplemented with extra-budgetary resources where necessary, to strengthen Codex and Codex-related work throughout the two Organizations;

• Called upon Member Governments to support the follow-up to the Evaluation process including through their statements made and positions taken in the World Health Assembly and the Council and Conference of FAO; and

• Developed its strategy for pursuing the desired outcomes of the Evaluation at the next Commission meeting in June/July 2003.

The FAO/WHO Trust Fund

26. The Director-Generals of WHO and FAO formally launched the FAO/WHO Trust Fund for the Participation of Developing Countries and Countries in Transition in the Work of the Codex Alimentarius Commission at a ceremony during the extraordinary Commission Session in February 2003. The first contribution to the FAO/WHO Trust Fund was made by Switzerland.

27. The goal of the FAO/WHO Trust Fund is to (a) help regulators and food experts from all areas of the world participate in Codex standard-setting work and thereby, (b) enhance their capacity to help establish effective food safety and quality standards and fair practices in the food trade, both in the framework of the Codex Alimentarius and in their own countries.

28. The Commission was informed that a FAO/WHO Consultative Group consisting of senior FAO and WHO staff had been established to provide the management of the FAO/WHO Trust Fund, to be implemented by following normal WHO procedures and in accordance with WHO's financial regulations. The Consultative Group would maintain close liaison with the Codex Commission and Secretariat.

29. The Commission expressed its thanks to WHO and FAO for the establishment of the Trust Fund and recalled that the participation of developing countries was essential to ensure that Codex standards were elaborated on a worldwide basis. This would be
especially important in view of the recommendation by the Joint FAO/WHO Evaluation Report to hold annual meetings of the Commission.

Conclusions

30. Much work and excellent progress has been made in the past three years to improve Codex, accelerate its work and make its efforts more relevant and valuable to all member countries. Member governments to Codex have been called upon to support the follow up actions required of FAO and WHO, including through their statements made and positions taken this year in the World Health Assembly and the Council and Conference of FAO.

31. The Codex Commission has embraced the overall thrust of the FAO/WHO Evaluation Report and expressed its commitment to implement the changes and improvements that would meet the objectives of the recommendations directed to it. A strategy that will allow the Commission to make decisions at its next session in early July has been put in place. Implementation of the Codex Commission’s decisions in July will commence immediately thereafter.

Proposed Actions

32. Having been made aware of the efforts underway to improve and strengthen Codex and recognizing that a number of countries from the Americas have been active participants in these efforts, it is recommended that:

- RIMSA signal its support for the overall strategy to improve and strengthen Codex;
- Member countries review their national approach to Codex, including the effectiveness of their Contact Point, National Coordinating Committee and participation in the work of Codex, with a view to ensuring that they are in the strongest position possible to take charge of the opportunities resulting from the changes underway; and
- Eligible member countries consider the availability of the new FAO/WHO Trust Fund to enhance their participation in Codex.

Annex
1. The Codex Alimentarius Commission, having considered the report and recommendations of the *Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards*, expressed its appreciation to the parent Organizations for having initiated the Evaluation and ensuring that it was carried out in a consultative, efficient and effective manner. It also expressed its appreciation to the Evaluation Team and Expert Panel for their excellent report, the depth of the analysis and the comprehensive proposals and recommendations contained therein.

2. The Commission noted with satisfaction the finding of the Evaluation that its food standards had a very high importance to Members as a vital component of food control systems designed to protect consumer health and to ensure fair practices in the food trade. It endorsed the view that standards were a fundamental prerequisite in consumer protection but had to be looked at in the context of the total system throughout the food chain, especially for food safety.

3. The Commission recalled that Codex standards were used as references for Member Nations in relation to their obligations under the WTO Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures. In this regard, it recognized that many Member Nations with less developed economies or with economies in transition were able to use Codex standards directly as a basis for domestic legislation and standards setting in conformity with these Agreements. It noted that this was particularly true when standards were based on global data including those derived from developing countries.

4. The Commission supported the overall thrust of the Evaluation report and expressed its commitment to the implementation of strategies that would meet the objectives of the recommendations contained therein. It strongly agreed that these recommendations should be reviewed expeditiously. The Commission noted that since the 1991 Joint FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade, significant changes had been made in the Commission's priorities and programmes with increased emphasis on food safety issues. This emphasis had resulted in an increased output of health-related standards and was now being extended to the whole food chain; this process would continue to be developed.
5. Noting the Evaluation's recommendations concerning the Commission’s mandate, the Commission was of the opinion that its existing mandate to protect consumers' health and to ensure fair practices in the food trade continued to be appropriate but might be discussed in the future. Within this mandate, the Commission emphasized that its first priority would be the development of standards having an impact on consumer health and safety.

6. In order to maintain the strong support from all Member Nations and stakeholders, the Commission agreed that in their response to the Evaluation, the Commission and its parent Organizations should work towards:

- greater efficiency and effectiveness in the development of Codex standards, whilst maintaining transparency and inclusiveness and procedural consistency in the process of their development;
- increased participation of developing Member Nations and Member Nations in economic transition in the work of the Codex Alimentarius Commission throughout the standards development process;
- greater usefulness of Codex standards to Member Nations in terms of relevance to their needs and timeliness;
- strengthening of the scientific base for risk analysis, including food safety risk assessment to improve the efficiency and effectiveness in providing expert scientific advice to the Commission and Member Nations and to improve risk communication; and
- more effective capacity building for the development of national food control systems.

7. The Commission agreed that it should have greater independence, within the overall structure of FAO and WHO, for proposing and executing its work programme and budget, once approved by the two parent organizations.

8. The Commission concurred with the views expressed in the Evaluation Report that the Codex Secretariat was hard working, efficient and member-oriented but overworked and with insufficient resources to support the present activities of Codex. It strongly supported the recommendation that the Secretariat be expanded and that the seniority and composition of its staff should match the Commission’s increased requirements.

9. On the matter of expert advice to Codex, the Commission agreed fully with the view that this was a very important element to all Member Nations and to the Commission itself. It expressed the view that there needed to be sufficient capacity within the parent Organizations to ensure that scientific advice was provided on a timely basis. It
also agreed that this work needed to have greater identity within the Organizations, stronger links to Codex priorities, and internal coordination as well as significantly increased resources. Its independence from external influences and its transparency need to be further reinforced within FAO/WHO. The Commission stated that there should also be greater distinction between the function of risk assessment undertaken by experts and that of risk management undertaken by Codex committees, while noting the linkages that needed to exist between these functions. The Commission emphasized that the provision of expert scientific advice was a joint responsibility of FAO and WHO and should continue to be so. It strongly recommended that WHO markedly increase its contribution to health risk assessment carried out by FAO/WHO expert committees and FAO/WHO Expert consultations. It also recommended that FAO strengthen its input in areas reflecting its responsibility and expertise. The Commission welcomed the statement by Dr Bruntland in her opening remarks to the present session that FAO and WHO would prepare for and convene as an immediate priority, the consultation requested by the Codex Alimentarius Commission at its 24th Session on strengthening scientific support for Codex decision-making.

10. In the area of capacity building, the Commission welcomed the valuable initiatives described in the report including the Standards and Trade Development Facility (STDF) operated by the WTO in collaboration with the World Bank, FAO, WHO, OIE, and in particular the new FAO/WHO Trust Fund to enable effective participation in Codex. It called upon FAO and WHO to undertake a major effort to mobilize extra-budgetary funds and foster coordinated bilateral assistance in capacity building. It also called for a more coordinated approach for capacity building between FAO and WHO and requested the parent bodies to urgently analyze their existing means of providing capacity building and inform the Codex Alimentarius Commission on how they will improve coordination and distribution of work drawing on their mutual strengths and synergies.

11. The Commission called upon FAO and WHO to provide additional Regular Programme resources, supplemented with extra-budgetary resources where necessary, to strengthen Codex and Codex-related work throughout the two Organizations.

12. The Commission called upon Member Governments to support the follow-up to the Evaluation process including through their statements made and positions taken in the World Health Assembly and the Council and Conference of FAO.

13. The Commission reiterated its commitment to pursue with all speed full consideration of the recommendations addressed to it in the Evaluation report and in this regard:
Invited Member Nations and interested international organizations to submit written comments to the Secretariat;

Requested the Secretariat to analyze the comments dealing with the Codex Committee structures and their mandates and to provide options for consideration by the Commission at its next Regular Session;

Requested the Secretariat to analyze the comments dealing with the functions of the Executive Committee, and to provide options for consideration by the Commission at its next Regular Session;

Requested the Secretariat to analyze comments dealing with standards management and the procedures for standards development, including the establishment of priorities recommended by developing Member Nations, and recommend strategies for the early implementation of more efficient and effective processes, providing options for consideration by the Commission at its next Regular Session;

Requested the Secretariat to identify a strategy for consideration by the Commission at its next Regular Session on the implementation of the recommendations dealing with the revision of the Rules of Procedure and other internal procedures; and

Requested the Secretariat to analyze the comments on those recommendations in the Evaluation Report not covered by the above and to provide options on how to proceed.