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CODEX COMMITTEE ON GENERAL PRINCIPLES
Thirty-second Session
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PROCEDURAL GUIDANCE FOR COMMITTEES WORKING BY CORRESPONDENCE
(Replies to CL 2020/59/OCS-GP)

Comments of Canada, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, European Union, IDF/FIL, Indonesia, Iraq, Kenya, Malaysia, Morocco, Nicaragua, Norway, Panama, Uruguay, USA.

Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2020/59/OCS-GP issued in December 2020 with a deadline on 15 January 2021.
2. The comments submitted through the OCS are hereby attached as **Annex I** and presented in table format.

**COMMENTS ON THE PROCEDURAL GUIDANCE FOR COMMITTEES WORKING BY CORRESPONDENCE
(Replies to CL 2020/59/OCS-GP)**

General comments

<p>Ecuador thanks the Electronic Working Group chaired by New Zealand and co-chaired by Germany, the United States of America and Japan for preparing the Procedural Guidance for Committees Working by Correspondence and would like to emphasise the fact that we agree with the conclusions set out in document CX/GP 21/32/4, according to which there are compelling reasons for the Codex system to recognise and facilitate the work of CWBC. This is even more pressing today with the emergency situation caused by the COVID-19 pandemic and the fact that meetings had to be cancelled in 2020 with virtual meetings replacing physical ones in order for work to continue.</p> <p>Although it is not mentioned specifically in the mandate, the issue of including virtual meetings as part of this work on guidance for CWBC is crucial and we agree that the work must continue as Codex plays an important role for developing countries as it is their instrument for negotiations, defence and daily work to care for consumers' health.</p> <p>We also agree with the different areas identified in the document where specific procedural guidance may be appropriate and that there may be a need to develop some protocols and guidance on practical management of web-based tools.</p> <p>We agree with the recommendations and consider that the proposals on criteria and procedural guidance for committees working by correspondence contained in this document and its annex will contribute to the work by correspondence of the committees and, in agreement with the opinion tabled at CAC43, we consider that work by virtual media does not require amendments to be made to the Codex Procedural Manual.</p>	<p>Ecuador</p>
<p>Malaysia would like to thank the Electronic Working Group chaired by New Zealand and co-chaired by Germany, Japan and the United States of America for preparing the proposed draft guidance and the stand-alone document on criteria and procedural guidelines for Codex Committees and Ad hoc Intergovernmental Task Force working by correspondence.</p> <p>Malaysia has no objection for Codex committee to work by correspondence when appropriate, taking into consideration criteria which have been developed by the EWG. In doing so, the Committee should carefully consider ways in adhering to the Commission's core values of collaboration, inclusiveness, consensus building, and transparency. Malaysia also has no objection the use of virtual technology in a CWBC session where appropriate, to allow real time discussions and increase transparency in decision making.</p>	<p>Malaysia</p>
<p>Member States Competence Member States Vote</p> <p>The Member States of the European Union (MSEU) widely agree with the analysis and proposals of the document. There is clearly a need for procedural guidance to address specific features of the work of CWBC.</p> <p>Such guidance could be added as a stand-alone text under a new title "Guidelines on CWBC" in Section III of the Procedural</p>	<p>European Union</p>

<p>Manual. Another option could be to insert text in the appropriate places as additions to existing guidance texts of section III, possibly supported by an additional section on CWBC in the handbook for chairs.</p> <p>The MSEU consider it important that the Guidelines would only include what is specific and different in the context of CWBC and not repeat text already in section III of the PM in order to avoid the insertion of new text that differs from the PM and may cause unintended room or need for interpretation in the future.</p> <p>Furthermore, the MSEU support the idea of CCGP further working on virtual tools. It would be interesting to develop, as a subsequent separate step, directives on the use of virtual tools in general (and in a long-term perspective), based on the outcome of a feedback exercise on the Covid crisis and its impact on Codex (the main stakeholders could also be involved in that exercise). In this regard, the MSEU would underline the work that is currently being coordinated at the UN level regarding the use of virtual tools in UN agencies. It is important that the Codex approach is consistent with future UN guidelines in this area.</p> <p>Furthermore, the MSEU support including the bracketed text into the Guidelines to ensure that the use of virtual meetings both at working group and committee level is not excluded from the tools available to Committee chairs to advance work. As the Covid-19 pandemic has forced the Codex Alimentarius Commission, its Executive Committee and technical sub-committees that used to meet exclusively on a physical basis into well-functioning virtual meetings, it would seem outdated to deny committees that by definition do not hold physical sessions the possibility to meet virtually.</p> <p>Lastly, the MSEU would like to make the following editorial suggestions.</p>	
<p>Indonesia appreciates the work done by Electronic Working Group (EWG) in preparing document CX/GP 21/32/4 Procedural Guidance for Committees Working by Correspondence (CWBC). Indonesia noted that the EWG was tasked with the specific term of reference (ToR) assigned by the 31st Session of CCGP in 2019 to develop criteria to identify work appropriate to be undertaken by CWBC and develop procedural guidance for such committees.</p> <p>As a general comment, CWBC is established as an alternative of Committee working by physical meeting, so that Codex can continue working to develop standard. Therefore, having CWBC is the exception rather than the rule. A physical meeting is still the best option under normal conditions.</p> <p>With respect to CWBC, we have concerns about its complexities especially with the absence of clear, documented procedures to ensure that CWBC operate in accordance with the values and rules of Codex, particularly upholding the transparency and consensus building in the decision making.</p> <p>Since now we have experiences in holding virtual meeting (such as CAC43) then CWBC is not the only alternatives/options available for Codex to continue working, even if physical meeting is not possible to be done. Based on experiences participated in CCPFV working by correspondence and virtual session of CAC, Indonesia is of the opinion that having virtual meeting is better than that of having CWBC.</p> <p>However, if CWBC is deemed necessary to be established as an alternative way of doing work for Codex, inclusion of virtual meeting as part of the work on guideline is necessary. CCGP should consider the inclusion virtual meeting even if this is not explicitly mentioned in the ToR. We are all aware that ToR was issued before global pandemic of COVID-19 and after that we had</p>	<p>Indonesia</p>

<p>a good experience in conducting CAC session virtually. But in principle, the Codex should first consider holding a virtual session rather than holding a CWBC, in line with Codex Core values (collaboration, inclusiveness, consensus, and transparency).</p>	
<p>Agree with procedural guidance for committees working by correspondence without any comments.</p>	<p>Iraq</p>
<p>The International Dairy Federation (IDF) welcomes the opportunity to provide comments to CL 2020/59/OCS-GP on criteria and procedural guidance for committees and ad hoc intergovernmental task forces working by correspondence (CWBC). IDF continues to believe that its experience with working by correspondence through the CCMMP on the development of the Standard for Dairy Permeate Powders (CXS 331-2017) and the discussion on the development of the draft Standard on Processed Cheese is beneficial as CCGP continues to work on these procedural guidelines. IDF was also involved with the revision of the technological justification for preservatives and anti-caking agents in the Codex Standard for Mozzarella, under the agenda of the Codex Committee on Food Additives.</p> <p>In general, IDF reiterates its support for the advancement of procedural guidance to standardize procedures for CWBC. The current draft is progressing well and may be ready for adoption at Step 5 following discussion during the virtual CCGP in February 2021. In the case of CCMMP, it is critical for the global dairy industry to ensure that a clear and effective correspondence pathway exists to update existing or create new dairy standards if regular meetings of CCMMP are not possible. For this reason, these procedural guidelines must be effective, consistent with existing provisions in the Codex Procedural Manual and implementable so as not to create disincentives to use correspondence when conditions dictate. They must also be developed, revised and adopted in a timely manner so that they are an option for use when and if necessary.</p> <p>In the following, we have tried to focus our comments mainly on outstanding issues that might impede the advancement of the document.</p> <p>We note the lack of consensus that exists on whether to expand the guidelines to include the use of virtual tools to facilitate progress for CWBC. In general, IDF does not oppose virtual tools, such as virtual working groups or meetings, being an option for a CWBC to advance its work. However, we believe that CWBC is a distinct way of working separate from the decision made by a Committee or ad hoc Taskforce to hold a meeting by virtual means.</p> <p>As a result, this work should not be commandeered to develop guidelines for virtual meetings. It is critical that the guidelines for CWBC are completed, and the decision to undertake any future work or guidelines on virtual meetings is left to CCEXEC/CAC.</p> <p>With that said, we have proposed some text below that might allow for references to be made to virtual tools in these guidelines without requiring a protracted discussion of virtual meetings here. We also believe that several bracketed references to virtual tools are superfluous and can be removed. While our limited experience with one virtual CAC shows that virtual meetings may be workable for Codex in the future, IDF continues to feel that further information on the mechanisms for virtual meetings, including how to overcome major logistical challenges while maintaining Codex values, should be discussed by CCEXEC and CAC. However, this should not preclude inclusion of general references to such tools in these guidelines nor should we delay their adoption pending a decision by CCEXEC/CAC on how to proceed on virtual meetings.</p> <p>As a final general comment, we note and appreciate that many of our earlier comments have been taken onboard and that the current text addresses several concerns noted with the mechanisms for ensuring compliance with Codex procedures.</p>	<p>IDF/FIL</p>

<p>Panama recognizes the work done on the criteria developed to improve the work carried out by the committees by correspondence, and especially with regard to the inclusion of virtual media. This way of working allows countries that have some limitation to actively participate in the work of the different Codex committees.</p>	Panama
<p>Egypt appreciates the effort in developing the Criteria, and proposes to provide a clear definition of 'working by correspondence' highlighting aspects related to use of virtual technology and conference calls for informal discussions and working groups.</p>	Egypt
<p>While recognizing that there are likely elements of guidance for CWBC that would apply to virtual meetings and the use of virtual technology, Canada continues to maintain the view that CWBC and Committees holding virtual sessions are distinct. The inclusion of virtual meetings in the scope of this current work is beyond the agreed terms of reference for this work. CCGP should focus on completing its work related to CWBC.</p> <p>Canada notes that the CCEXEC sub-committee is studying the issue of virtual meetings in the context of challenges and opportunities presented by the current global pandemic. As such it would be prudent allow the CCEXEC sub-committee to complete its study and the CCEXEC to submit its recommendation to the Commission for consideration of whether any potential procedural guidance may be needed.</p>	Canada
<p>Cuba appreciates the substantial work carried out by the Electronic Working Group and would like to make the following comments:</p> <p>Broadly speaking, Cuba supports, in principle, the analysis and proposals on criteria and procedural guidance for committees working by correspondence, but stresses the importance of having clear criteria on voting, including on the voting procedure because it is mostly carried out by secret ballot. As the 21st Session of the Coordinating Committee for Latin America and the Caribbean had to be suspended, this meeting's unfinished business is continuing by correspondence in the e-Forum and, therefore, we could have new matters to discuss before continuing to develop procedural guidance.</p> <p>Furthermore, in the document, in respect of the role and place of voting in the correspondence setting as a measure of support, it is important to provide clear instructions on the manner in which the report on the voting process should be presented. As regards drafting reports, we fully support the comments from Costa Rica.</p>	Cuba
<p>Costa Rica congratulates the chairpersons and co-chairs for the work carried out and appreciates the opportunity to express its approval of the document, conclusions and recommendations of the EWG.</p> <p>Nevertheless, regarding the document CX/GP 21/32/4, in paragraph 6.2, we suggest replacing the phrase: "discussion at a physical meeting of the committee" by the following wording: "discussion that will take place at one of the formal meetings of the committee, with "formal" meaning a session that has been officially scheduled in the annual calendar, whether physical or virtual".</p> <p>Justification: It is important to consider that virtual meetings are now a reality and leaving the words "physical meeting" in the text could make the decision to move forward with work by correspondence conditional on the holding of a physical meeting.</p> <p>3. Paragraph 12.10.1, first line, correct the Spanish words "por que" to read "porque".</p>	Costa Rica
<p>We support having text in the PM with guidance to CWBC, we would like all relevant guidance in the PM to be applicable as relevant and only include what is particular for CWBCs.</p>	Norway

<p>In our view it would be useful for the reader if the procedural guidance in the introduction also includes a reference to the fact that PM Guidelines to host governments, chairpersons, physical and electrical working groups also apply to CWBCs. It is our experience that there might be a misunderstanding that CWBCs cannot have EWGs, therefore we would like this included in the introduction. We also see from the rest of the text that in some instances the PM is copied, in other there is “interpretation language “ We would suggest using language that would fit well into the PM, and consequently there would be no need to repeat other parts of the PM, rather make reference.</p>	
<p>The United States appreciates the opportunity to provide feedback on this draft criteria and procedural guideline. We believe this document will serve as a very useful basis for the discussion at the upcoming session of CCGP. The EWG made very good use of the additional time to develop this guidance document. Finally, we note the issue of virtual meetings has already been addressed by CCEXEC and CAC, and it was concluded that no further procedural guidance was needed at this point.</p>	USA
<p>Chile thanks the Secretariat for Circular Letter CL 2020/59/OCS-GP that it sent to request comments on the Annex of the Procedural Guidance for Committees Working by Correspondence and supports the progress of this work in the context of CCGP.</p> <p>Specific comments on the above-mentioned document: PROCEDURAL GUIDANCE FOR COMMITTEES WORKING BY CORRESPONDENCE</p> <ul style="list-style-type: none"> Point 13.5 [Finally, it is suggested that there may be a need to develop some protocols and guidance on practical management of web-based tools, but this may require separate consideration alongside the issue of virtual meetings] <p>Justification: We consider that it is necessary to keep this paragraph as a number of members, including Chile, have underscored the need to draw up practical guidance on using the Internet and virtual meetings, albeit in a different context from these guidelines. We suggest removing the word “may” as it is clear that this issue is not part of the ToR of this work.</p> <ul style="list-style-type: none"> 14.1.ii [Note that given the divergent views on whether virtual meetings and use of virtual technology falls within the ToR of this work, any proposal to include this issue within the current work will require the approval of the CAC]. <p>Justification: We suggest keeping this point, as it is important that the Committee bears in mind the fact that an extension of the mandate requires the prior approval of the Commission.</p>	Chile

1. Criteria and procedural guidelines for Codex committees and ad hoc intergovernmental task forces working by correspondence

<p>¹For For the purposes of this work, ‘working by correspondence’ may include the use of virtual technology and conference calls for informal discussions and working groups (*). Guidance on practical management of web tools may require separate and dedicated consideration (this may be already underway given the discussion on the subcommittee report at CAC43).[†] (*) <u>The use of video conferencing was not initially part of the mandate of the EWG on CWBC. Nevertheless, Uruguay considers that due to the positive experience concerning use of these tools this year with the meetings of CCEXEC and CAC for which they were used and the report from CAC43 and the intermediate report from the CCEXEC sub-committee on Codex and the Pandemic, which recommend use of these tools for committee meetings in 2021, it would also be useful to use them for the committees working by correspondence, informal discussions and the working groups.</u></p>	Uruguay
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2. Circumstances relevant to decision making on CWBC

<p>For greater clarity, Nicaragua suggests adding an indicative list of circumstances in which a committee working by correspondence can be set up:</p> <ul style="list-style-type: none"> • Limited workload//agenda • Public health crises with global impact • Restrictions on international movements (travel) • Adverse socio-economic conditions at international level, including civil unrest. 	Nicaragua
<p>CWBC will be the exception rather that <u>than</u> the rule and shall only be considered in specific circumstances or situations.</p>	USA
<p>CWBC will be the exception rather that the rule and shall only be considered in specific circumstances or situations.</p> <p>We do not agree with this text in a guideline, times are changing and text in a guideline should be neutral. There may be many situations and circumstances leading to a Commission (CAC) decision on Codex committees to work by correspondence.</p>	Norway
<p><u>CWBC will be the exception rather than the rule and shall only be considered in specific circumstances or situations. CWBC represent a unique way of working that is distinct from the routine meetings (whether by physical or virtual means) of committees and working groups even though CWBC may utilize physical working groups or virtual tools to advance their work.</u></p> <p>Suggested wording to make clear distinction between that CWBC, even if they hold physical or virtual sessions, and routine meetings of other Committees.</p>	IDF/FIL
<p>CWBC will be the exception rather that <u>than</u> the rule and shall only be considered in specific circumstances or situations.</p>	IDF/FIL
<p>The decision to initiate work by correspondence by one or more Codex committees shall be taken by the Codex Alimentarius Commission taking into consideration the advice of the host country and the views of Codex members and observers and on the basis of any advice provided by the Executive Committee of the Codex Alimentarius Commission. All Codex members and observers are able to participate in all committees and also receive Circular Letters (CLs).</p> <p>Canada suggests that this sentence could be deleted as it is an explanation that is already understood in reference to the phrase “views of Codex members and observers”.</p>	Canada
<p>The decision to initiate work by correspondence by one or more Codex committees shall be taken by the Codex Alimentarius Commission taking into consideration the advice of the host country and the views of Codex members and observers and on the basis of any advice provided by the Executive Committee of the Codex Alimentarius Commission. All Codex members and observers are able to participate in all committees and also receive Circular Letters (CLs).</p>	USA
<p>The decision to initiate work by correspondence by one or more Codex committees shall be taken by the Codex Alimentarius Commission taking into consideration the advice of the host country and the views of Codex members and observers and on the basis of any advice provided by the Executive Committee of the Codex Alimentarius Commission <u>Commission in accordance with the PM</u>. All Codex members and observers are able to participate in all committees and also receive Circular Letters (CLs).</p> <p>This reference (to the correct chapter in the PM) is suggested in order to avoid any possible misunderstanding about whether or not to follow procedures for new work etc in the PM, as these procedures would apply (also to CWBC).</p>	Norway

3. Criteria relevant for selection and assignment of work by correspondence

The following criteria should be taken into account <u>considered</u> when deciding on whether to assign work to a CWBC	USA
Nature and complexity of the proposed work and its previous and recent history in Codex (for example, this may include, <i>inter alia</i>, the timeframe to develop the proposed work, diversity of stakeholders involved, characteristics of the proposed work and/or related factors); These examples does not provide any added value to this bullet, they are rather confusing.	Norway
The urgency and importance of work; Although correct, this would apply to all new work proposals, and does not give any meaning without further explanation here, what is special connected to work by CWBC on this?	Norway
Need for and availability of adequate scientific information and/or other supporting information, including any support from expert bodies; Delete as this is superfluous and not a particular issue for CWBC, would apply to relevant new work, but not all new work	Norway
Potential for assigning the proposed work to an existing <u>alternative</u> committee, with relevant expertise, that is meeting physically. This should take into consideration factors such as whether: (for clarity)	USA
the work can reasonably expected to be completed within a set timeframe such as indicated in the TOR <u>Terms of Reference</u> (TOR) of the relevant CWBC, and	Canada
the work can reasonably <u>be</u> expected to be completed within a set timeframe such as indicated in the TOR of the relevant CWBC, and	USA
the committee to which it is intended to be assigned has a recent history of timely completion of its work programme; • We suggest deleting item “v b”; in our view, the main factor that can result in the prolongation of work is the complexity of a topic rather than the recent track-record of a committee and the speed of its working mechanism (as is illustrated in para 6.9. of CX/GP21/32/4).	European Union
[Potential for the use of web-based tools and real-time technology to facilitate meetings either at the committee or working group level to help progress the work of the Committee (including for a limited number of issues that may be challenging to manage in the correspondence setting);]	Egypt
[Potential for the use of web-based tools and real-time technology to facilitate meetings either at the committee or working group level to help progress the work of the Committee (including for a limited number of issues that may be challenging to manage in the correspondence setting);] Please refer to Canada’s comments above on virtual meetings.	Canada

<p>{Potential for the use of web-based tools and real-time technology to facilitate meetings either at the committee or working group level to help progress the work of the Committee (including for a limited number of issues that may be challenging to manage in the correspondence setting);}</p> <p>The United States does not see a direct relevance for this statement to CWBC. Since text on virtual meetings was first suggested, CCEXEC and CAC (with support from WHO and FAO legal) have addressed the issue of virtual committee sessions.</p>	USA
<p>{Potential for the use of web-based tools and real-time technology to facilitate meetings either at the committee or working group level to help progress the work of the Committee (including for a limited number of issues that may be challenging to manage in the correspondence setting);}</p> <p>Malaysia can agree for CWBC to use virtual conference platform in its work as appropriate</p>	Malaysia
<p>{Potential for the use of web-based tools and real-time technology to facilitate meetings either at the committee or working group level to help progress the work of the Committee (including for a limited number of issues that may be challenging to manage in the correspondence setting);}</p> <p>Kenya agrees with the use of web tools by CWBC but emphasizes on the need to ensure safety of the web tools that may be used</p>	Kenya
<p>{Potential for the use of [Accessibility to web-based tools and real-time technology to facilitate meetings either at the committee or working group level to help progress the work of the Committee (including for a limited number of issues that may be challenging to manage in the correspondence setting);}</p> <p>Please note the IDF comments above on the appropriateness of making some references to use of virtual tools CWBC. Web-based tools or real time technologies may not be accessible by all members interested in the work and in such cases a decision to proceed further may need to take into account inclusiveness of the technology used.</p>	IDF/FIL
<p>{Potential for the use of web-based tools and real-time technology to facilitate meetings either at the committee or working group level to help progress the work of the Committee among members (including for a limited number of issues that may be challenging to manage in the correspondence setting);}</p> <p>Justification: We consider that it is necessary to keep this paragraph as, although virtual meetings and other technological tools do not fall within the scope of this Procedural Guidance, these are factors which should be taken into account when deciding to assign work to a committee working by correspondence.</p>	Chile
<p>{Potential for the use of web-based tools and real-time technology to facilitate meetings either at the committee or working group level to help progress the work of the Committee among members (including for a limited number of issues that may be challenging to manage in the correspondence setting);}</p> <p>We are in favour of removing the square brackets from this paragraph. Web-based tools and video conferencing demonstrated their huge potential at CAC43 and CCEXEC79. Consequently, we consider it appropriate to make them part of the instruments available to the committees working by correspondence even though they were not included in the original mandate of the EWG on CWBC.</p>	Uruguay

<p>{Potential for the use of web-based tools and real-time technology to facilitate meetings either at the committee or working group level to help progress the work of the Committee among members -(including for a limited number of issues that may be challenging to manage in the correspondence setting)-}</p> <p>Nicaragua supports inclusion of this criterion and suggests deleting the text in brackets as it adds nothing to an understanding of the paragraph.</p>	Nicaragua
<p>Prospects for achieving consensus within the prescribed timeframe.</p> <p>comment to viii and ix, these two bullets would also serve as examples under ii. Could also be placed together with ii.</p>	Norway

4. Verification of membership and credentials for participation

<p>Codex procedural rules require all official communications to Codex, including those relating to membership and participation in meetings of committees and working groups, be notified through the designated Codex Contact Point (CCP). <u>The notifications for CWBC should also identify the venue/platform to be used (e.g., the Codex Forum or other online platform).</u> Members and observer organizations are required to nominate, through their official CCPs, a single representative/head of delegation. This does not prevent the head of delegation being supported by an alternate representative who can respond where the head of delegation authorises (as occurs in the physical setting).</p>	USA
<p>The status and credentials of participants in Codex committees are also subject to scrutiny and verification by the Codex Secretariat, <u>in light of official information provided by the Contact Points.</u></p> <p>Nicaragua suggests additional wording specifying that the Secretariat's verification should refer to the official information provided.</p>	Nicaragua
<p>To ensure comparability of sessions of committees meeting physically and those meeting by correspondence, sessions of CWBC are those occasions when the committee engages in formal consultations with members by correspondence [or virtual means^[6], over a specified date or period of time as approved by the CAC.</p> <p>Egypt proposes that the virtual meeting has to be excluded from this guidance as it refers to many other means totally different than working by correspondence as it may open new discussions or extend the scope of work in this document.</p>	Egypt
<p>To ensure comparability of sessions of committees meeting physically and those meeting by correspondence, sessions of CWBC are those occasions when the committee engages in formal consultations with members by correspondence [or virtual means^[6], over a specified date or period of time as approved by the CAC.</p> <p>Please refer to Canada's comments above on virtual meetings.</p>	Canada
<p>To ensure comparability of sessions of committees meeting physically and those meeting by correspondence, sessions of CWBC are those occasions when the committee engages in formal consultations with members by correspondence [or virtual means^[6], <u>correspondence^[6]</u>, over a specified date or period of time as approved by the CAC.</p> <p>Since this text was first proposed, CCEXEC and CAC have moved ahead on the issue of virtual sessions. It is now clear that sessions of committees conducted virtually are virtual committee sessions, not CWBC. It has also been agreed that no further procedural guidance on virtual sessions is needed at this time.</p>	USA

<p>To ensure comparability of sessions of committees meeting physically and those meeting by correspondence, sessions of CWBC are those occasions when the committee engages in formal consultations with members by correspondence [or virtual means⁶], over a specified date or period of time as approved by the CAC.</p> <p>Malaysia can agree that CWBC sessions shall be formal consultations with members by correspondence and may include virtual means between the sessions.</p>	Malaysia
<p>To ensure comparability of sessions of committees meeting physically and those meeting by correspondence, sessions of CWBC are those occasions when the committee engages in formal consultations with members by correspondence [or virtual means⁶], over a specified date or period of time as approved by the CAC.</p> <p>We support including virtual means, we do not agree that this amendment would need agreement or approval by CAC</p>	Norway
<p>To ensure comparability of sessions of committees meeting physically and those meeting by correspondence, sessions of CWBC are those occasions when the committee engages in formal consultations with members by correspondence for <u>including by possible</u> virtual means⁶⁶], over a specified date or period of time as approved by the CAC.</p>	IDF/FIL
<p>To ensure comparability of sessions of committees meeting physically and those meeting by correspondence, sessions of CWBC are those occasions when the committee engages in formal consultations with members by correspondence [or virtual means⁶], over a specified date or period of time as approved by the CAC.</p> <p>Justification: We do not feel it necessary to mention the specific virtual means by which committees meeting by correspondence decide to consult with their members. As we understand that discussions within the EWG focused on whether or not this Procedural Guidance should deal with the use of tools for virtual meetings in the groups working by correspondence, we consider that this new wording limits the discussion to this aspect alone, without restricting or unduly calling into question the communication media available for consultations with the members. In actual fact, the practical experience in 2020 and what is expected in 2021 show that, even if it is probably preferable to draw up guidelines for the use of virtual means for formal consultations with the members, this has not prevented these consultations from taking place, for instance for CCGP32.</p>	Chile
<p>To ensure comparability of sessions of committees meeting physically and those meeting by correspondence, sessions of CWBC are those occasions when the committee engages in formal consultations with members by correspondence for virtual means⁶], over a specified date or period of time as approved by the CAC.</p> <p>Virtual means are a useful tool for collaborative work and to foster its progress. Although they were not included in the ToR for this work, they have actually been used, for example for CCLAC-Part II. This is why we suggest including special provisions for virtual means, which may be used in extraordinary conditions.</p>	Nicaragua
<p>⁶ [In the context of these guidelines, a virtual session includes the use of real-time virtual technology. It is acknowledged that virtual meetings are not explicitly covered in the <i>Procedural Manual</i> and will require specific consideration.]</p> <p>In line with our suggested deletion above and rationale, suggesting to delete this footnote too.</p>	USA
<p>⁶ <u>[In the context of these guidelines, a virtual session includes the use of formal consultations with the members could be carried out by correspondence or virtual means, including meetings using</u> real-time virtual technology. It is acknowledged that virtual meetings are not explicitly covered in the <i>Procedural Manual</i> and will require specific consideration.]</p>	Chile

<p>Justification: We do not feel it necessary to mention the specific virtual means by which committees meeting by correspondence decide to consult with their members. As we understand that discussions within the EWG focused on whether or not this Procedural Guidance should deal with the use of tools for virtual meetings in the groups working by correspondence, we consider that this new wording limits the discussion to this aspect alone, without restricting or unduly calling into question the communication media available for consultations with the members. In actual fact, the practical experience in 2020 and what is expected in 2021 show that, even if it is probably preferable to draw up guidelines for the use of virtual means for formal consultations with the members, this has not prevented these consultations from taking place, for instance for CCGP32.</p>	
<p>The working languages, the timeframes for implementing the work plan and tasks for the session of the CWBC should be clearly documented and should have been agreed to among members at the outset of the session. This would include the timeframes for preparation of working documents, consultations and preparation of reports (including translations) to CCEXEC or CAC, where decisions will be made and about how and whether work should continue, new work approved, and recommended texts adopted.</p> <p>Here CWBC would need to follow the same procedure as any other committee, would therefore suggest another wording, like “in accordance with the PM with the correct reference”.</p>	Norway
<p>The working languages, the timeframes for implementing the work plan and tasks for the session of the CWBC should be clearly documented and should have been agreed to among members at the outset of the session. This would include the timeframes for preparation of working documents, consultations and preparation of reports (including translations) to CCEXEC or CAC, where decisions will be made and about how and whether work should continue, new work approved, and recommended texts adopted.</p> <p>Are they the same who assign work or are they the same members of the CWBC? Responsibility of determining time frame should be left to the Executive committee in consultation with the CWBC</p>	Kenya
<p>The working languages, <u>will be the same as those used at physical meetings and will be determined prior to the meeting.</u> The timeframes for implementing the work plan and tasks for the session of the CWBC should be clearly documented and should have been agreed to among members at the outset of the session. This would include the timeframes for preparation of working documents, consultations and preparation of reports (including translations) to CCEXEC or CAC, where decisions will be made and about how and whether work should continue, new work approved, and recommended texts adopted.</p>	Uruguay
<p>Committee Like for all other codex committees and according to the PM, committee agenda, working documents and reports are published on the Codex website.</p>	Norway
<p>Committee agenda, working documents and reports are published on the Codex website <u>in the three official working languages as determined beforehand.</u></p>	Morocco
<p>Each session of the CWBC should be concluded on time to facilitate the critical review requirements of the Executive Committee.</p> <p>The time granted for gathering comments should be sufficient to allow for coordination at national level with the relevant structures in the member countries which participate in the CWBC.</p>	Morocco
<p>For the sake of inclusiveness and maximum participation, CWBC should operate by default, in not less than three of the working languages of the Commission⁷ as shall be determined by the CAC.</p> <p>Egypt notes that there may at times be justification for flexibility where financial and technical constraints limit the extent to which translations could realistically be provided.</p>	Egypt

For the sake of inclusiveness and maximum participation, CWBC should operate by default, <u>default</u> in not less than three of the working languages of the Commission ⁷ as shall be determined by the CAC.	USA
For the sake of inclusiveness and maximum participation, CWBC should operate by default, in not less than three of the working languages of the Commission ⁷ as shall be determined by the CAC.	Norway

6. Inclusiveness, participation and languages

There may at times be justification for flexibility where financial and technical constraints limit the extent to which translations could realistically be provided. Given the importance of inclusiveness and transparency, any proposal to deviate from the requirement to operate in not less than three of the working languages of the Commission should be based on careful consideration of all relevant factors. It is the responsibility of the host government to ensure adequate funding for translation of working documents <u>documents during working by correspondence.</u>	Egypt
There may at times be justification for flexibility where financial and technical constraints limit the extent to which translations could realistically be provided. Given the importance of inclusiveness and transparency, any proposal to deviate from the requirement to operate in not less than three of the working languages of the Commission should be based on careful consideration of all relevant factors. It is the responsibility of the host government to ensure adequate funding for translation of working documents. Suggest deleting this, interpretation of the PM.	Norway
There may at times be justification for flexibility where financial and technical constraints limit the extent to which translations could realistically be provided. Given the importance of inclusiveness and transparency, any proposal to deviate from the requirement to operate in not less than three of the working languages of the Commission should be based on careful consideration of all relevant factors . It is the responsibility of the host government to ensure adequate funding for translation of working documents. Kenya suggests that these factors be expounded.	Kenya
There may at times be justification for flexibility where financial and technical constraints limit the extent to which translations could realistically be provided. Given the importance of inclusiveness and transparency, any proposal to deviate from the requirement to operate in not less than three of the working languages of the Commission should be based on careful consideration of all relevant factors. It is the responsibility of the host government to ensure adequate funding for translation of working documents. The working documents must be translated into the three official Codex languages and sent or posted online at the same time.	Morocco
There may at times be justification for flexibility where financial and technical constraints limit the extent to which translations could realistically be provided. Given the importance of inclusiveness and transparency, any proposal to deviate from the requirement to operate in not less than three of the working languages of the Commission should be based on careful consideration of all relevant factors. It is the responsibility of the host government to ensure adequate funding for translation of working documents, <u>which will be available before the start of each stage of the work by correspondence.</u> As a minimum requirement, the agenda of the meeting and the working documents relating to it must be available before the meeting of the committee working by correspondence.	Uruguay

<p>There may at times be justification for flexibility where financial and technical constraints limit the extent to which translations could realistically be provided. Given the importance of inclusiveness and transparency, any proposal to deviate from the requirement to operate in not less than three of the working languages of the Commission should be based on careful consideration of all relevant factors. It is the responsibility of the host government to ensure adequate funding for translation of working documents.</p> <p>Language is one of the factors that has the most influence on members' participation and collaboration in producing Codex texts. This is why we suggest, at the same time as making this rule more flexible, that we make it possible for a member/group of members to provide courtesy translations of the documents on a voluntary basis.</p>	Nicaragua
<p>Applying the same rules that apply to a committee holding a physical meeting to a CWBC (where <i>registering</i> constitutes attending), a majority of commission members '<i>registering</i>' for the CWBC shall constitute a quorum, provided that such a majority is not less than 20 percent of the total Commission membership⁸. For a regional meeting, a quorum is met if 1/3 of members belonging to the region or group of countries concerned <i>register</i>⁸.</p> <p>In physical meetings it is our experience that the host need to revise the draft participant list according to which members are actually present. This list would always deviate from the draft participant list (made of those registered for the meeting). We would argue that this is of importance.</p>	Norway
<p>Applying the same rules that apply to a committee holding a physical meeting to a CWBC (where <i>registering</i> constitutes attending), a majority of commission members '<i>registering</i>' for the CWBC shall constitute a quorum, provided that such a majority is not less than 20 percent of the total Commission membership⁸. For a regional meeting, a quorum is met if 1/3 of members belonging to the region or group of countries concerned <i>register</i>⁸.</p> <p>Kenya notes that there is a possibility that one might register and fail to attend. Registration and attendance should be separated.</p>	Kenya
<p>In the absence of a quorum, no decisions may be made, nor recommendations provided by the CWBC to the Commission.</p> <p>Egypt would like to request a clarification on what is meant by this statement.</p>	Egypt
<p>In the absence of a quorum, no decisions may be made, nor recommendations provided by the CWBC to the Commission.</p> <p>In the absence of a quorum, the CWBC session is postponed for a week as it is unable to make any decisions or provide any recommendations to the Commission. The session is held one week later even if a quorum has not been met.</p>	Morocco
<p>All communications are open to all registered members and observers and are carried out in an open and transparent manner and in accordance with any guidelines or protocols that may be established by the Commission;</p> <p>We cannot see the need for adding the first four bullets, this is already in the PM, also the last sentence is already in the PM and should not be questioned.</p>	Norway
<p>All questions are fully considered [either on the basis of correspondence or through virtual consultations];</p>	Egypt
<p>All questions are fully considered [either on the basis of correspondence or through virtual consultations];</p> <p>Please refer to Canada's comments above on virtual meetings.</p>	Canada
<p>All questions are fully considered [either on the basis of correspondence or through virtual consultations];</p>	USA

Excluding this phrase allows more flexibility to the chair in addressing questions, consistent with practice in committees that meet physically.	
All questions are fully considered [either on the basis of correspondence or through virtual consultations];	Norway
All questions are fully considered [either on the basis of correspondence or through virtual consultations]; Kenya agrees that the chair persons of CWBC should ensure that all questions are fully answered either on the basis of correspondence or through virtual consultations	Kenya
All questions are fully considered [either on the basis of correspondence or through virtual consultations];	IDF/FIL
All questions are fully considered [either on the basis of correspondence or through virtual consultations]; Justification: We do not consider it necessary to mention non-physical means enabling consultations between members to be organised as this would unduly limit communication options. As a result, any consultations carried out using any valid means whatsoever, which have been established by a Committee, should be fully considered.	Chile
There is enough time and opportunity for members to respond or build on comments made by other members, much like a plenary conversation in real time;	Norway
The reports of the committee clearly document where there are significant points of difference either in relation to the content of the work or with respect to the advancement of a standard through the step process; and	Norway
The Chairperson of CWBC may be supported by one or more co-chairpersons. The Chairperson of CWBC must be neutral and impartial with regard to the topic being discussed.	Morocco
Chairpersons of CWBC should make every effort to promote consensus-based decision making follow the guidance given in the PM Section III on consensus.	Norway
Where necessary, the chairperson may take on the role of facilitator or appoint a facilitator to work with members to reach consensus. The terms of reference of an appointed facilitator should be clearly stated and agreed among the members of the Committee and the facilitator should be someone who is experienced in Codex matters but neutral on the matter concerned concerned with the ability in decision-making process, effectively resolve disagreements and has the leadership in guiding members to consensus.	Egypt
Where necessary, the chairperson may take on the role of facilitator or appoint a facilitator to work with members to reach consensus. The terms of reference of an appointed facilitator should be clearly stated and agreed among the members of the Committee and the facilitator should be someone who is experienced in Codex matters but neutral on the matter concerned.	Norway
The chairperson should also consider implementing measures as described in the Guidelines to Chairpersons¹⁴⁴⁴ on measures to facilitate consensus building in the elaboration of standards at the Committee stage.	Norway

<p>As appropriate, Chairpersons of CWBC, with the concurrence of the committee, may appoint rapporteurs to assist with preparation of summary reports and related documents. We would suggest to only include what is extra for CWBC in this procedural guidance, and not repeat text already in the Consensus chapter in section III (mentioned above) in the PM.</p>	<p>Norway</p>
<p>Interpretation of silence</p> <p>Egypt does not support the proposal for “Interpretation of silence” as it is not provided in the Codex Procedure manual. If this is a new rule then provision should be made in the Procedure Manual.</p>	<p>Egypt</p>
<p>Interpretation of silence</p> <p>On point 8 “Role of chairpersons of CWBC”, under the heading 'Interpretation of silence':</p> <ul style="list-style-type: none"> We suggest replacing the first sentence ('The interpretation of silence in deliberations of CWBC should be clearly established') by the following sentence: <p>'Means of communication to signal support or objection shall be explicitly clarified in advance of sessions, including alternative ways of communication in cases where the chairperson identifies temporary technical problems by delegations.'</p> <p>Thereafter, the paragraph could continue as follows: 'Silence, the absence of specific contrary views or objections,...'</p>	<p>European Union</p>
<p>The interpretation of silence in deliberations of CWBC should be clearly established. Specifically, this means that silence, the absence of specific contrary views or objections, will be taken to mean tacit agreement or no objection to proceed. This point should be clearly communicated to all members of the committee to avoid any misunderstanding when seeking comment on specific matters under discussion including proposed conclusions on progression of a standard through the step process. Chairpersons should allow sufficient time for response to assure that silence is not the result of temporary technical problems.</p> <ul style="list-style-type: none"> We suggest the following amendments to the last sentence of the paragraph: <p>Chairpersons should allow sufficient time for response to exclude that silence caused by temporary technical problems is taken as support.</p>	<p>European Union</p>
<p>The interpretation of silence in deliberations of CWBC should be clearly established. Specifically, this means that silence, <u>in</u> the absence of specific contrary views or objections, will be taken to mean tacit agreement or no objection to proceed. This point should be clearly communicated to all members of the committee to avoid any misunderstanding when seeking comment on specific matters under discussion including proposed conclusions on progression of a standard through the step process. Chairpersons should allow sufficient time for response to assure that silence is not the result of temporary technical problems.</p>	<p>Uruguay</p>
<p>In determining the level of consensus when progressing through the step process, Committee chairpersons typically propose a conclusion for consideration by members, which may be modified and presented as revised to achieve consensus. The same practice should be followed by CWBCs. For example, a chairperson could propose a conclusion to advance a standard by asking a specific question, such as, “<i>Do you support advancing the draft standard to Step X?</i>”</p> <p>Egypt supports the approach of deploying specific questions to members to provide response and as well provided opportunity to provide detailed comments.</p>	<p>Egypt</p>

<p>In determining the level of consensus when progressing through the step process, Committee chairpersons typically propose a conclusion for consideration by members, which may be modified and presented as revised to achieve consensus. The same practice should be followed by CWBCs. For example, a chairperson could propose a conclusion to advance a standard by asking a specific question, such as, “Do you support advancing the draft standard to Step X?”</p> <p>This is language more suited for the guideline for chairpersons, if included in the procedural guidance reflect on where, as it should apply in any settings of chairing.</p>	Norway
<p>CWBCs may use a similar approach (or suitable variation) when determining the level of consensus on more detailed points of discussion, such as text changes.</p>	Norway
<p>For the avoidance of doubt in the correspondence setting, a reservation is making a statement of position, which will be recorded in the meeting report upon request (in line with provisions in the Procedural Manual).^{12 1}</p>	Uruguay
<p>Options for the Chairperson when a CWBC is not able to progress work</p> <p>Egypt does not support these provisions for options when CWBC is not able to progress work. We further consider that in the case the options are adopted, propose modification in (i) as follows: In doing so the Chairperson may propose one of the following options to the CWBC for endorsement in view of the referral to CCEXEC/CAC:</p> <p>i. Convene a physical session or virtual session of the original committee;</p>	Egypt
<p>When, in the judgement of the Chairperson, it becomes clear that no progress is possible by a CWBC, the committee Chairperson may refer the matter to CCEXEC/CAC same rules would apply as for consideration other sub committees.</p>	Norway
<p>In doing so the The Chairperson may propose one of the following options to the CWBC for endorsement in view of the referral to CCEXEC/CAC:</p>	Norway
<p>Convene a physical session of the original committee; <u>new bullet: Convene a virtual meeting.</u></p>	Norway
<p>Convene a physical session of the original committee;</p> <p>Unclear language, the committee is the same, same mandate etc., however the method of working is different.</p>	Norway
<p>Convene a physical <u>or virtual (by video conference)</u> session of the original committee;</p> <p>We suggest including the option of convening a virtual meeting in light of:</p> <ul style="list-style-type: none"> - the positive feedback from the virtual meetings which have already been held and the fact that they are a tool that allows for higher participation - the lower costs for both the organiser and the participants <p>We also suggest giving priority to virtual meetings if the pandemic continues to achieve the highest possible participation by members.</p>	Uruguay

¹ Translator’s note: The change to the wording in the Spanish version of the document has no impact on the sentence in English.

<p>Request the Secretariat to convene a physical meeting of a Rule XI 1. (a) subsidiary body (i.e. convene an entirely new Codex subsidiary body); or</p> <p>Uruguay does not believe that it would be appropriate to set up new committees. It would be difficult for members to take part in more committees than those that are already active. This is why we are not in favour of this option.</p>	Uruguay
<p>While the rules of procedure of the Codex Alimentarius Commission provide for voting in situations when all efforts to achieve consensus have failed, CWBC should not resort to voting to resolve differences.</p> <p>Egypt submits that the section on “voting” should not be included in the Guidelines for CWBC, similarly as it is not included in Section III (Guidelines for Subsidiary Bodies: Codex Committee, Physical Working Groups, Task Forces or EWG)</p>	Egypt
<p>CWBC shall report the results of their work to the Codex Alimentarius Commission. As with reports of physical sessions of Codex committees, reports of CWBC sessions shall be prepared by the Codex Secretariat in consultation with the Chairperson.</p>	Nicaragua
<p>The conventions and practices that apply to drafting of reports of committees holding physical meetings should also be observed, to the extent relevant, by CWBC. Reports of CWBC should be objective and accurately reflect the discussions, conclusions, and recommendations.</p> <p>Nicaragua considers that this paragraph is not clear as the words “should also be observed” do not refer to a specific provision to be applied when the report is being drafted. For the sake of order and transparency, we suggest using the same style, criteria and format as used for drafting reports of physical meetings.</p>	Nicaragua
<p>[Where deemed necessary provision should be made for virtual consultations <u>correspondence</u> to facilitate consideration of the draft report prior to its finalisation.]</p>	Egypt
<p>[Where deemed necessary provision should be made for virtual consultations to facilitate consideration of the draft report prior to its finalisation.]</p> <p>Malaysia proposes that when CWBC conduct virtual meeting, the adoption of the report should also be conducted virtually.</p>	Malaysia
<p>[Where deemed necessary provision should be made for virtual consultations to facilitate consideration of the draft report prior to its finalisation.]</p> <p>Please refer to Canada’s comments above on virtual meetings.</p>	Canada
<p>[Where deemed necessary provision should be made for virtual consultations to facilitate consideration of the draft report prior to its finalisation.]</p> <p>We note this text is now placed in []. In our view, the process for consideration of the draft report prior to finalization should reflect the process, to the extent possible, in physical meetings. The “where deemed necessary” could cause confusion. Perhaps this could include language on the opportunity for members to comment on the draft report, as this aspect is perhaps missing here (could use wording from section 12.1 of the agenda paper).</p>	Canada

<p>{Where deemed necessary provision should be made for virtual consultations to facilitate consideration of the draft report prior to its finalisation.}</p> <p>The United States suggests that the statement in brackets be deleted because it seems unnecessary. However, should this statement be retained, then the United States suggests that it should be an option “provision may be made” -- rather than a required “should”. The CWBC can have a “session period” for comments on the draft report, which should result in a proposal to adopt the revised draft as a final report. This worked for the CCPFV report adoption. The sentence implies that report adoption may be more complicated/difficult.</p>	USA
<p>{Where deemed necessary provision should be made for virtual consultations to facilitate consideration of the draft report prior to its finalisation.}</p> <p>Kenya agrees to the provision for virtual consultation to facilitate consideration of draft report prior to its finalisation</p>	Kenya
<p>{Where deemed necessary provision should be made for virtual consultations to facilitate consideration of the draft report prior to its finalisation.}</p> <p>IDF would suggest deleting, this does not seem necessary if virtual consultations are within the general scope of CWBC as proposed above.</p>	IDF/FIL
<p>{Where deemed necessary provision should be made for virtual consultations to facilitate consideration of the draft report prior to its finalisation.}</p> <p>Chile considers it necessary to keep this paragraph. Although virtual consultations are not within the specific scope of this Procedural Guidance, they represent an appropriate tool for analysing draft reports, when necessary.</p>	Chile
<p>{Where deemed necessary provision should be made for virtual consultations to facilitate consideration of the draft report prior to its finalisation.}</p> <p>We agree with this sentence and the square brackets can be removed.</p>	Uruguay
<p>{Where deemed necessary provision should be made for virtual consultations to facilitate consideration of the draft report prior to its finalisation.}</p> <p>Nicaragua considers that this aspect should be analysed and included in the specific provisions for virtual means.</p>	Nicaragua
<p>Draft reports of the CWBC should be made available to all Codex members and observers who were registered in the session within one week of the conclusion of the plenary agenda and deliberations, for review and comment within two weeks of report circulation. <u>The procedures for review and comment should be clearly communicated to all members.</u></p> <p>IDF appreciates the addition detail include in this paragraph and supports it.</p>	IDF/FIL
<p>Draft reports of the CWBC should be made available to all Codex members and observers who were registered in the session within one week of the conclusion of the plenary agenda and deliberations, for review and comment within two weeks of report circulation. <u>Once the comments have been received, the report could be read at a video conference with a view to it being approved by the members taking part.</u> The procedures for review <u>revision</u> and comment should be clearly communicated to all members.</p> <p>Once the timeframe for sending comments has expired, Uruguay suggests that a video conference should be held in order to read and approve the report.</p>	Uruguay