

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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JOINT OFFICE: Viale delle Terme di Caracalla 00100 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

Agenda Item 4b)

CX/GP 04/21/5

JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON GENERAL PRINCIPLES

Twenty-first (Extraordinary) Session
Paris, France, 8-12 November 2004

REVIEW OF THE GUIDELINES FOR CODEX COMMITTEES AND OTHER ADDITIONAL TEXT: B) OTHER PROPOSALS : CO-CHAIRMANSHIP AND FACILITATORS

(Prepared by the French Secretariat)

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Decisions agreed upon at the 26th Session of the Codex Alimentarius Commission (July 2003)

Proposal	19
Codex Document	ALINORM 03/26/11 - Add. 3
Background	<p><i>At any time in the process of elaboration of standards, a Codex Committee or the body responsible for standards management, should have the ability to appoint a facilitator to help parties to reach consensus. The role of the facilitator would be to consult among members and to develop re-drafts for further consideration by committees. A main part of the function of facilitators would be to understand dissenting views, including all written comments, and facilitate the development of consensus. This could have very positive benefits both in terms of ensuring greater inclusiveness and in speeding up work, provided facilitators have the clear function of consulting members widely. Facilitators should report to the Committee entrusted with development of the draft standard. The facilitator's report should explicitly show how the written comments received on draft standards have been addressed</i></p> <p>167. The Commission agreed in principle to all three proposals¹ but decided that the modalities would require clarification by the body responsible for reviewing the Procedural Manual².</p>

¹ Proposal No. 19 (Use of facilitators), Proposal No. 20 (Establishment of electronic working groups), Proposal n°. 21 (Establishment of physical working groups).

² Article 10 of the Statutes & Rule XII.3 about the assignment of costs of subsidiary bodies are relevant on this issue :
"3. *The operating costs of subsidiary bodies established under Rule X.1(b)(i) (Codex Committees) shall be borne by each Member accepting the Chair of such a body. The estimate of expenditure may include a provision for such costs involved in preparatory work as may be recognized as operating expenses of the Commission in accordance with the provisions of Article 10 of the Statutes of the Commission.*"

Proposal	32
Codex Document	ALINORM 03/26/11 - Add. 4
Background	<p><i>Cochairmanship</i> - <i>To develop guidelines for the co-chairing of Codex Committees and Task Forces, including the cost implications</i>³</p> <p>178. The Commission agreed in principle to all of the proposals⁴ except Proposal 32 and referred the work to the Committee on General Principles, requesting it to develop appropriate guidelines and explore further the question of co-chairpersons⁵</p> <p>179. (...) The Commission recommended that the advice to host governments should include arrangements for holding Codex sessions in developing countries. Some delegations considered vice-chairing arrangements should be considered as an alternative to co-chairmanship, although this was not accepted by other delegations.</p>

Status of the discussion after the 19th Session of the Codex Committee on General Principles (November 2003)

The outcome of the discussion is recorded in ALINORM 04/27/33 (para. 104 – 105):

104. (...) The Committee noted that the document CX/GP 03/19/7 did not include specific text concerning the use of facilitators because the Commission had agreed to adopt an experimental approach and this did not appear to require the establishment of detailed guidelines at this stage. (...)

105. The Committee agreed to defer consideration of co-chairmanship and facilitators until the next extraordinary session and considered the Draft Guidelines on Physical Working Groups and the Draft Guidelines on Electronic Working Groups."

³ See Rules of procedure III (Officers) & X.10 (Subsidiary bodies) & the *Guidelines to host Governments of Codex Committees and ad hoc intergovernmental Task Forces*, adopted by the Codex alimentarius Commission at its 27th session (see ALINORM 04/27/5 – Appendix V)".

⁴ Proposals n°. 31, 33, 34, 35.

⁵ During the discussion on this issue, it would be useful to keep in mind that the Procedural Manual uses the word "Chairs" to denote the Member Country hosting a Codex subsidiary body and the word "chairperson" to denote the individual chairing a meeting of a subsidiary body. The following provisions in the Codex Procedural Manual appear relevant here :

- Rule III.1 (Officers) – "*The Commission shall elect a Chairperson and three Vice-Chairpersons from among the representatives, alternates and advisers ...*" – applies *mutatis mutandis* to subsidiary bodies and does not provide for the designation of co-chairs.
- The new "*Guidelines to host Governments of Codex Committees and ad hoc intergovernmental Task Forces*, adopted by the Codex alimentarius Commission at its 27th session (see ALINORM 04/27/5 – Appendix V), in its section on "*Organization & duties – Chair*" (p. 47)" foresee that the Member country, hosting a subsidiary body "*is responsible for appointing the chairperson of the Committee from among its own nationals*", would prevent the designation of co-chairpersons by the country chairing a Committee.
- The Rules X.10 (Subsidiary bodies) on vice-chairpersons: Except the chair designated by the host government, "*all other officers of subsidiary bodies shall be elected by the body concerned and shall be eligible for re-election.*" Rule X.11 may cover adequately the issues raised by an election of officers by a subsidiary body.
- The Rule III.2 (Officers) – *A vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson* – shall apply *mutatis mutandis* to vice-Chairpersons of subsidiary bodies.

Recommendations to the 21st Session of the Codex Committee on General Principles

Co-chairmanship

A discussion on principles should take place before detailed guidelines could be drafted.

The Committee is invited to discuss this matter on the basis of the written comments received in response to circular letter CL 2003/8.-
CAC

Facilitators

The CAC26 agreed to adopt an "experimental" approach and this appears to preclude the establishment of detailed rules at this stage.

The Committee is invited to discuss this matter on the basis of the written comments received in response to circular letter CL 2003/8.-
CAC