

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 7

CX/GP 04/21/8

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON GENERAL PRINCIPLES
Twenty-first (Extraordinary) Session
Paris, France, 8 - 12 November 2004**

**GUIDELINES FOR COOPERATION WITH INTERNATIONAL INTERGOVERNMENTAL
ORGANIZATIONS**

The 24th Session of the Commission agreed that a document should be developed by the Committee on General Principles to provide guidance on cooperation with other International Intergovernmental Organizations (IGOs) on the elaboration of Codex Standards and Related Texts. The 17th Session of the Committee on General Principles considered the document prepared by the Secretariat and had a general discussion on the issues that should be addressed when developing cooperation with IGOs in the standard-setting process. The Committee agreed that guidelines should be developed to define the modalities of cooperation between the Codex Alimentarius Commission and other international intergovernmental and non-governmental organizations when elaborating standards and related texts, taking into account the discussions held at the session (ALINORM 03/33, paras. 92-104).

The draft guidelines considered by the 18th Session of the Committee (April 2003) concentrated on cooperation with other intergovernmental organizations with a clear mandate for standards-setting in areas of interest to the Commission and the same principles of membership and procedures for standards setting as that form the basis for membership and standards setting in the Codex Alimentarius Commission. The guidelines proposed three types of cooperation:

- a) the elaboration of a joint standard or related text with a cooperating organization
- b) the elaboration of a standard or related text by a cooperating organization on behalf of the Codex Alimentarius Commission
- c) substantial cooperation at the initial drafting stages of a Codex standard or related text

The Committee discussed whether the Guidelines applied only to intergovernmental organizations (IGOs) or to both IGOs and non-governmental organizations (NGOs). During the discussion, some delegations proposed to refer to "international organizations" in the title while other delegations proposed to delete the reference to NGOs in the Preamble. The Committee did not come to a conclusion on this question.

The Committee agreed that in view of the concerns expressed, the proposal for the elaboration of a standard by a cooperating organization on behalf of Codex (proposal b)) could be deleted and noted that the third type of cooperation largely reflected existing practice and it might not be essential to retain it at this stage. The Committee could not discuss the proposals in details due to time constraints and agreed that the Secretariat would redraft the proposed draft Guidelines in the light of the comments made in the discussion, for consideration at its next session (ALINORM 03/33A, paras. 99-107).

The Committee at its 20th Session (May 2004) considered the guidelines which had been redrafted by the Secretariat by deleting proposal b) and to focus on the first proposal for the elaboration of a joint standard or related text with a cooperating organization.

The Committee agreed to correct the title so that it should refer to “international” intergovernmental organizations. It also agreed to delete the Preamble as general orientations were defined in the Statutes of the Commission and Objective 3 of the Strategic Framework. The Committee further agreed to delete the option on the elaboration of a joint standard or related text (section a)) in view of practical difficulties arising from applying the proposed procedure for the elaboration of joint standards, namely increased costs and substantial delays in the standard setting process.

The Committee therefore agreed that the Secretariat would redraft the proposed draft guidelines for consideration at the next (extraordinary) session and that the revised version should be developed on the basis of the current section 3c) (cooperation at the initial drafting stages) and in the light of the comments made, in order to ensure cooperation, collaboration, consistency and communication, including exchange of information, between Codex and the cooperating organization, taking into account the relationship with organizations referred to under the SPS Agreements (ALINORM 04/27/33A, paras 97-109).

The revised text of the guidelines, with deletions and additions highlighted, is attached for consideration by the Committee.

PROPOSED DRAFT GUIDELINES ON COOPERATION BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS ON THE ESTABLISHMENT OF STANDARDS AND RELATED TEXTS

[Preamble

~~The Codex Alimentarius Commission:~~

- ~~— desiring to work closely with other relevant international standards setting and regulatory bodies to promote close cooperation and dialogue on matters of common interest;~~
- ~~— desiring to promote coordination of all food standards work undertaken by international governmental and non-governmental organizations;~~
- ~~— noting that relations between the Commission and such organizations are governed by the relevant provisions of the Constitutions of FAO or WHO, as well as by the applicable regulations of FAO or WHO on relations with international organizations;~~
- ~~— further noting that such relations shall be handled by the Director General of FAO or of WHO as appropriate~~
- ~~— wishing to take due account of international regulatory initiatives and developments related to food standards;~~
- ~~— wishing to extend the scope and coverage of its standards and related texts, especially in areas where a relevant Codex Committee or Task Force has not been established;~~
- ~~— wishing also to minimize duplication of effort;~~
- ~~— recognizing that by virtue of its lead role in international food standards, that it has a strategic interest in working closely with relevant multilateral bodies and institutions to provide its technical input and expertise and contribute to building international consensus on contemporary food standards and regulatory policy matters;~~

~~has adopted the following Guidelines.}~~

Scope and Application

- 1) These guidelines establish the modalities of cooperation between the Codex Alimentarius Commission and international intergovernmental organizations when elaborating food standards or related texts.
- 2) These guidelines should be read in conjunction with the "Uniform Procedure for the Elaboration of Codex Standards and Related Texts" ~~and the "Criteria for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission"~~.

Types of Cooperation

- 3) The Codex Alimentarius Commission may undertake the elaboration of any standard or related text in cooperation with another intergovernmental body or organization.
- 4) The cooperating organization shall have observer status with the Codex Alimentarius Commission
- 5) The cooperating organization shall have the same principles of membership¹ that form the basis for membership in the Codex Alimentarius Commission and the same principles of standards-setting.²

¹ The "same principles of membership" shall be taken to mean that the membership of the organization is open to all Members and Associate Members of FAO and of WHO.

² The "same principles of standards-setting" refers to the General Decisions of the Commission set out in the Appendix to the Procedural Manual.

- 6) Such cooperation may consist of:
- a) ~~The elaboration of a joint standard or related text with a cooperating organization;~~
 - c) ~~Substantial e Cooperation at the initial drafting stages of a Codex standard or related text;~~
 - d) Cooperation through mutual exchange of information and participation in meetings.

Joint Standards and Related Texts

~~Joint standards and related texts may be elaborated in cases where an international intergovernmental organization has a clear mandate for standards setting in a field of relevance to the Commission's work.~~

~~The cooperating organization shall have observer status with the Codex Alimentarius Commission.~~

~~The cooperating organization shall have the same principles of membership³ that form the basis for membership in the Codex Alimentarius Commission and the same principles of standards setting.⁴~~

~~Joint standards and related texts may be elaborated by subsidiary bodies established as Joint Codex Committees or Joint Task Forces in accordance with the "Criteria for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission" and the applicable procedures of the cooperating organization.~~

~~Prior to taking a decision on whether or not to elaborate joint standards and related texts and to establish a joint subsidiary body for this purpose, the Commission shall have before it a report from the Directors-General of FAO and WHO and the executive head of the cooperating organization on the administrative and financial implications of the proposal to establish such a body. This report shall also include:~~

- a) ~~a statement of the willingness of the cooperating organization to develop joint standards and/or related texts;~~
- b) ~~a statement by the Directors General of FAO and WHO in conformity with the Constitutions, General Rules and applicable regulations of their respective Organizations concerning cooperation with other international organizations, that such cooperation is in the interest of the respective organizations and is in conformity with the Constitutions, Rules and Regulations;~~
- e) ~~proposals concerning the terms of reference and procedures to be followed by the joint subsidiary body in drafting joint standards and related texts, namely whether they be the procedures of the Codex Alimentarius Commission or the procedures of the cooperating organization or other procedures to be defined, as required;~~
- d) ~~a proposed time frame for the elaboration of the standard(s) or related text(s);~~
- e) ~~proposals concerning the publication of the resulting joint standards and related texts, namely whether they be joint publication or whether they be published by both the Codex Alimentarius Commission and the cooperating organization in their respective compilations of standards and related texts;~~
- f) ~~proposals for procedures to be followed for the dissolution of the joint body once it has completed its work; and~~
- g) ~~proposals for procedures to be followed if either the Commission or the cooperating organization proposes to amend, revise or revoke the joint standard.~~

~~Standards and related texts elaborated by such joint bodies shall be considered as Codex standards only after their adoption by the Commission and their adoption by the cooperating organization in conformity with the procedures of that organization.~~

³ The "same principles of membership" shall be taken to mean that the membership of the organization is open to all Members and Associate Members of FAO and of WHO.

⁴ The "same principles of standards-setting" refers to the General Decisions of the Commission set out in the Appendix to the Procedural Manual.

Cooperation at the initial drafting stages of a Codex standard or related text⁵

7) The Commission, or a subsidiary body of the Commission subject to the Critical Review conducted by the Executive Committee, as appropriate, and to the confirmation of the Commission, may entrust the initial drafting of a proposed draft standard or related text to an international intergovernmental organization with competence in the relevant field, provided that the willingness of the cooperating organization to undertake such work has been ascertained. Such texts shall be circulated at Step 3 of the "Uniform Procedure for the Elaboration of Codex Standards and Related Texts". The Commission may at any stage in the elaboration of the standard or related text entrust any of the remaining Steps to a Codex Committee or other body different from that to which it was previously entrusted.

8) The Commission, or a subsidiary body of the Commission, may use, in whole or in part, an international standard or related text developed by an international intergovernmental organization with competence in the relevant field as a basis for preparing a proposed draft standard or related text at Step 2 of the Elaboration Procedure, subject to concurrence of the cooperating organization. The proposed draft standard or related text shall be circulated at Step 3 of the "Uniform Procedure for the Elaboration of Codex Standards and Related Texts".

Cooperation through mutual exchange of information and participation in meetings

9) The Commission or a subsidiary body of the Commission may identify an international intergovernmental organization having specific expertise of particular importance to the work of the Commission. Such organization may be encouraged to actively participate in the elaboration of standards by the Commission and its subsidiary bodies .

10) The Commission or a subsidiary body of the Commission may invite a cooperating organization having specific expertise of particular importance to the work of the Commission to report about its relevant work at their sessions on an *ad hoc* or regular basis.

11) The Commission or a subsidiary body of the Commission may recommend that the Chairperson of the Commission, the Chairperson of the subsidiary body, or, if they are not available, a Vice-chairperson or the Secretary of the Commission, as appropriate, participate as an observer in meetings of the cooperating organization, subject to the concurrence of the cooperating organization.

12) The Commission or a subsidiary body of the Commission may recommend that the Chairperson or the Secretary of the Commission forward comments, opinions or other relevant information of the Commission to the cooperating organization as regards international standard setting work in areas of mutual interest.

13) The Codex Alimentarius Commission may recommend to the Directors-General of FAO and WHO the conclusion of an appropriate arrangement with the executive head of the cooperating organization with a view to agreeing upon specific modalities to facilitate continuing cooperation between the Commission and the cooperating organization, as set out in the paragraphs above.

⁵ See also Article 1 of the Statutes of the Codex Alimentarius Commission, Step 2 of the Uniform Procedure for the Elaboration of Codex Standards and Related Texts, and the Terms of reference of the Codex Committee on Fresh Fruits and Vegetables (the Procedural Manual, 14th Edition).