



JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
Forty-third Session

Ensuring the continuity of Codex work in 2021

Prepared by

Codex Secretariat following consultations with the FAO and WHO legal offices

Introduction

1. In view of the ongoing COVID-19 pandemic and the associated containment measures, which will inevitably disrupt the holding of physical meetings in 2021, it would be advisable to adopt a flexible approach with respect to the holding of Codex meetings in 2021 so that the continuity of Codex work is ensured during the period of the pandemic.
2. The Sub-Committee of the Executive Committee of the Codex Alimentarius Commission that is reviewing the impact of the pandemic on Codex has in fact encouraged, as part of its conclusions included in its intermediate report "Codex and the pandemic – Strategic Challenges and Opportunities", that the "*Codex Secretariat in cooperation with FAO and WHO develop easy to apply procedural mechanisms to allow Committees to meet and the work of the Commission to proceed in 2021, should physical meetings continue to be a challenge*" (CX/CAC 20/43/2).
3. In this exceptional context, the Codex Secretariat, following consultations with the Legal Offices of FAO and WHO, recommends consideration of an interpretation of current Rules of Procedure of the Codex Alimentarius Commission in a manner that includes the holding of virtual Codex meetings in 2021, as outlined below.

Meetings of Codex Subsidiary Bodies

4. In view of the numerous meetings of Codex Subsidiary Bodies planned in 2021, and the necessity to allow technical committees to advance their work, it is recommended to interpret paragraphs 7 and 8 of Rule XI – *Subsidiary Bodies* in a manner that the "place" of a meeting is not limited to a physical place, but also includes a virtual setting. Rule XI (7) and (8) provide as follows:
 7. *The Directors-General of FAO and WHO shall determine the **place** of meeting of bodies established under Rule XI.1(a) and Rule XI.1(b)(ii) after consultation, where appropriate, with the host country concerned and, in the case of bodies established under Rule XI.1(b)(ii), after consultation with the Coordinator for the region or group of countries concerned, if any.*
 8. *Notice of the date and **place** of each session of bodies established under Rule XI.1(a) shall be communicated to all Members of the Commission at least two months before the session.*
5. It is noted that the above-proposed interpretation of Rule XI (7) and (8) would be limited to 2021, pending a more comprehensive review of the Rules of Procedure of the Codex Alimentarius Commission.

Executive Committee and Commission

6. A virtual 80th session of the Executive Committee (CCEXEC) may also be considered, subject to the meeting being held on the basis of the same arrangements as those endorsed by the Members of the Executive Committee for the 79th session of CCEXEC, i.e. to address priority items falling under the Executive Committee's mandate

7. With respect to the 44th session of the Commission, and bearing in mind that voting procedures may need to be tailored to a potential virtual setting, it is considered appropriate to establish arrangements for CAC44 at a later stage, also in view of the evolving situation of the pandemic.

Proposed actions by the Commission

8. Accordingly, the Commission is invited to:
 - Agree, on an exceptional basis in view of the circumstances surrounding the pandemic that, with respect to meetings and sessions of the Codex Subsidiary Bodies to be held in 2021, Rule XI (7) and (8) may be interpreted in a manner that includes a virtual setting;
 - Agree, on this basis, that Codex Subsidiary Bodies may be held virtually in 2021, if determined appropriate by FAO and WHO, in consultation with the host governments concerned and Codex Secretariat;
 - Acknowledge that the 80th session of the Executive Committee may be held virtually in 2021 and that separate arrangements may be developed for the 44th session of the Commission, depending on the evolving situation of the pandemic.