

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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CL 2019/99/OCS-CCEXEC
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TO: Codex Contact Points
Contact Points of international organizations having observer status with Codex

FROM: Secretariat, Codex Alimentarius Commission,
Joint FAO/WHO Food Standards Programme

SUBJECT: **Request for Input to the Development of Practical Guidance for Codex Subsidiary Bodies and their chairpersons on the operationalisation of the *Statements of Principle Concerning the Role of Science***

DEADLINE: 30 November 2019

BACKGROUND

1. CAC42¹ endorsed the recommendation of CCEXEC77² to establish a sub-committee of the CCEXEC on the application of the *Statements of Principle Concerning the Role of Science* (referred to as “the Statements” from here on) with the following terms of reference (TOR)³:
 - a. “To develop practical guidance for Codex Subsidiary Bodies and their chairpersons on the operationalisation of the *Statements of Principle Concerning the Role of Science* to allow Codex to set standards that are needed by Members and are based on science, while acknowledging different situations in different areas of the world and to complement the guidance provided in the *Measures to Facilitate Consensus*.”
 2. The TOR follow from the discussions in CCEXEC77 and CAC42 on the Secretariat paper on the *History and Implications of the Fourth Paragraph of the Statements of Principle* ([CX/EXEC 19/77/10](#)) and are based mainly on paragraph 6.5.6 of that paper with the addition of an element about consensus. The Commission also noted that the Statements should not be reopened.
 3. This first round of consultations will focus on scoping around the three main elements in the TOR namely: “practical guidance”; “operationalisation of the statements”; and “complement to the guidance on facilitating consensus”. The feedback received will be used by the sub-committee to prepare an initial document on practical guidance for operationalisation of the Statements, which will be considered by CCEXEC78 in February 2020.

REQUEST FOR COMMENTS/INPUT

4. Codex members and observers are invited to submit their replies to the questions below via the template which is uploaded to the Codex Online Commenting System (OCS): <https://ocs.codexalimentarius.org/>, as per the guidance below.

A: Practical guidance

Question 1: Is there any specific type or form of output that you expect? How might we best ensure outputs are effective, in terms of providing useful guidance for the operationalization of the Statements? Please elaborate.

B: Questions on operationalization of the Statements

5. This group of questions will focus on identifying the key challenges in operationalizing the Statements that would need to be addressed by the practical guidance and possible applicability of guidance and procedures already existing.

Question 2: In your experience with Codex meetings, have you observed situations in which the Statements have been successfully applied? Please describe the situation and actions taken especially with regard to the

¹ 42nd Session of the Codex Alimentarius Commission

² 77th Session of the Executive Committee of the Codex Alimentarius Commission

³ REP19/EXEC2, Appendix IV

role of the Delegates, the Chairperson and the Secretariat. Please also mention if any additional new or existing procedures, guidance or techniques were used that were helpful.

Question 3: Have you observed situations, in which the Statements could, in your opinion, have been applied, but were not applied. What were the reasons? What new or existing guidance or procedure would have helped the Delegates, Chairperson and the Secretariat to do so?

Question 4: What are, in your view, the situations when the statements can be usefully applied?

Question 5: What are situations where the Statements cannot be applied and what are the other options that could be applied in this case (this can be options mentioned in the Secretariat paper or other options).

C: Questions on a Complement to the guidance on facilitating consensus

Background: Current guidance on consensus

6. The Codex Rules of Procedure state that “The Commission shall make every effort to reach agreement by consensus. Decisions to adopt or amend standards may be taken by voting only if such efforts to reach consensus have failed” (Codex Procedural Manual, Section I, Rule XII.2)
7. The *Measures to Facilitate Consensus* (Codex Procedural Manual, Annex) give a number of options that should be followed to achieve consensus.
8. The *Guidelines to Chairpersons of Codex Committees and Ad Hoc Intergovernmental Task Forces* (Codex Procedural Manual, Section III) also contain a section on Consensus which mention: (1) Rule XII.2 (as above in different wording); (2) the Elaboration procedure, allowing for full discussion and exchange of views to ensure transparency and arrive at compromises that facilitate consensus; (3) the statement that much of the responsibility for facilitating consensus is with the Chairperson; (4) what to consider when progressing standards; (5) the obligation for the Chairperson to ensure that views of concerned members are taken into account and to strive for reconciling conflicting arguments before deciding on whether consensus has been reached; (6) the measures to facilitate consensus (in different wording); and in case of a deadlock to consider that the Chair act as facilitator or an external facilitator is appointed.
9. The Codex Strategic plan mentions as core value “Consensus building”

Questions

10. As indicated above there is substantial guidance on consensus in the Codex procedures that have been successfully applied by Codex Chairpersons. Most Codex standards are adopted by consensus and there are overall very few “problem” cases. Statement 4 is related to problematic cases in which other considerations prevent consensus. The application of the Statement allows dissenting members to abstain from acceptance without necessarily preventing a decision by Codex. The following questions assess if there are any gaps in the current guidance.

Question 6: Do Chairpersons have sufficient guidance on how to facilitate consensus? What are the lessons learned from the existing guidance? What further guidance, procedure or training could be useful?

Question 7: Do Chairpersons have sufficient guidance on when consensus has been reached and when all efforts to reach consensus have failed?

Question 8: Is there a need to link the Statements with existing Codex guidance on consensus?

Question 9: What are your ideas about efficient ways to facilitate advancement of standards particularly on complex issues.

D: Any other issues

Question 10: Any other comments or suggestions for consideration by the sub-committee in the development of practical guidance for operationalisation of the Statements.

GUIDANCE ON THE PROVISION OF COMMENTS

11. Comments should be submitted through the Codex Contact Points of Codex members and observers using the OCS.
12. Contact Points of Codex members and observers may login to the OCS and access the document open for comments by selecting “Enter” in the “My reviews” page, available after login to the system.
13. Contact Points of Codex members and observers organizations are requested to provide proposed changes and relevant comments/justifications on a specific paragraph (under the categories: editorial, substantive, technical and translation) and/or at the document level (general comments or summary comments). Additional

guidance on the OCS comment categories and types can be found in the OCS [Frequently Asked Questions \(FAQs\)](#).

14. Other OCS resources, including the user manual and short guide, can be found at the following link: <http://www.fao.org/fao-who-codexalimentarius/resources/ocs/en/>.
15. For questions on the OCS, please contact Codex-OCS@fao.org.