

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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ALINORM 04/27/33

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-seventh Session
Geneva, 28 June - 2 July 2004

REPORT OF THE NINETEENTH (EXTRAORDINARY) SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES

Paris, France, 17-21 November 2003

Note: This document incorporates Circular Letter CL 2003/41-GP

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CX 4/10

**CL 2003/41-GP
November 2003**

TO: - Codex Contact Points
- Interested International Organizations

FROM: - Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, c/-FAO, 00100 Rome, Italy

SUBJECT: **Distribution of the Report of the 19th (Extraordinary) Session of the Codex Committee on General Principles (ALINORM 04/27/33)**

MATTERS FOR ADOPTION BY THE 27TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Proposed Amendments to the Procedural Manual

1. Proposed Amendments to the *Rules of Procedure*: Rule IV *Executive Committee* and Rule XII *Budget and Expenses* (para. 33 , Appendix II)
2. Proposed Amendments to the *Procedures for the Elaboration of Codex Standards and Related Texts* (para. 76, Appendix III)
3. Draft Criteria for the Appointment of Chairpersons (para. 87, Appendix IV).
4. Draft Guidelines to Host Governments of Codex Committees and *ad hoc* Intergovernmental Task Forces (para. 91, Appendix V).
5. Draft Guidelines on the Conduct of Meetings of Codex Committees and *ad hoc* Intergovernmental Task Forces (para. 96, Appendix VI).
6. Draft Guidelines to Chairpersons of Codex Committees and *ad hoc* Intergovernmental Task Forces (para. 103, Appendix VII).

Governments and international organizations wishing to submit comments on the above amendments should do so in writing to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, c/-FAO, Viale delle Terme di Caracalla, 00100 Rome, Italy **before 30 March 2004.**

SUMMARY AND CONCLUSIONS

The summary and conclusions of the 19th (Extraordinary) Session of the Codex Committee on General Principles are as follows:

Matters for adoption by the Commission:

The Committee:

- agreed to forward to the Commission the Proposed Amendments to Rules IV *Executive Committee* and Rule XII *Budget and Expenses* of the Rules of Procedure (para. 33, Appendix II);
- agreed to forward to the Commission the Proposed Amendments to the *Procedures for the Elaboration of Codex Standards and Related Texts* related to the critical review of standards and related texts (para. 76, Appendix III);
- agreed to forward to the Commission the Draft Criteria for the Appointment of Chairpersons (para. 87, Appendix IV);
- agreed to forward to the Commission the Draft Guidelines to Host Governments of Codex Committees and *ad hoc* Intergovernmental Task Forces (para. 91, Appendix V)
- agreed to forward to the Commission the Draft Guidelines on the Conduct of Meetings of Codex Committees and *ad hoc* Intergovernmental Task Forces (para. 96, Appendix VI)
- agreed to forward to the Commission the Draft Guidelines to Chairpersons of Codex Committees and *ad hoc* Intergovernmental Task Forces (para. 103, Appendix VII)

Other Matters of Interest to the Commission:

The Committee:

- agreed to consider further the revision of Rule VII. 5; the status of observers in the Executive Committee; and the review of the *Principles Concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission* at its next (regular) Session (paras. 39, 45 and 82);
- agreed to consider further the revision of the Criteria for the Establishment of Work Priorities at its next (extraordinary) session (para. 54);
- agreed that the *Draft Guidelines on Physical Working Groups* and the *Draft Guidelines on Electronic Working Groups* should be circulated for comments, redrafted and considered at its next (extraordinary) session (para. 119).

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INTRODUCTION

1) The Codex Committee on General Principles held its Nineteenth (Extraordinary) Session in Paris, France, from 17 to 21 November 2003 at the kind invitation of the Government of the French Republic. The Session was chaired by Professor Michel Thibier, Director-General of Education and Research, Ministry of Agriculture, Food, Fisheries and Rural Affairs. The session was attended by 143 delegates representing 50 member countries and 19 international organizations. A full list of participants, including the Secretariat, is attached as Appendix I.

OPENING

2) The session was opened by Mr Jean-Yves Perrot, Directeur de Cabinet, who welcomed participants on behalf of Mr Hervé Gaymard, Minister of Agriculture, Food, Fisheries and Rural Affairs. Mr Perrot recalled the achievements of Codex since its establishment forty years ago in order to ensure consumer protection in an international framework, including the response of Codex to recent needs, especially in the context of the WTO Agreements. He highlighted the recommendations of the Commission regarding the Joint FAO/WHO *Evaluation of the Codex Alimentarius Commission and Other FAO and WHO Work on Food Standards* in order to improve the efficiency of the process, to enhance the scientific basis of Codex standards and to increase the participation of developing countries. Mr Perrot stressed the essential role of the Committee in the implementation of these recommendations and noted that the revision of the Rules of Procedure and other sections of the Procedural Manual would be considered by the current session. Mr Perrot recalled that the French government actively supported this process through the organization of two extraordinary sessions in order to complete the tasks entrusted to the Committee by the Commission and wished all success to delegates in this essential work.

3) The Chairperson of the Codex Alimentarius Commission, Dr. Stuart Slorach (Sweden) recalled the importance of the issues under consideration in order to improve the Codex process and invited all delegates to adopt a constructive approach in order to follow-up on the important progress achieved by the Commission. He also stressed the importance of guidance to be provided to Codex Chairs in conducting meetings in a productive and efficient manner.

ADOPTION OF THE AGENDA (Agenda Item 1)

4) The Committee agreed to consider Agenda Items 3b) “Proposed Amendment to Rule VII.5” and 3c) “Consideration of the Status of Observers in the Executive Committee” together with Agenda Item 5 “Review of the Principles Concerning the Participation of INGOs in the Work of the Codex Alimentarius Commission” as these matters pertaining to observers were closely related.

5) The Committee adopted the Provisional Agenda as presented in document CX/GP 04/19/1 as the Agenda for the session. The Committee also noted that additional issues that might arise during the discussion of each specific item would be considered under Agenda Item 8 if time allowed.

MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION, INCLUDING THE JOINT FAO/WHO EVALUATION OF THE CODEX ALIMENTARIUS COMMISSION AND OTHER FAO AND WHO WORK ON FOOD STANDARDS (Agenda Item 2)¹

6) The Committee noted that the amendments adopted by the 26th (Regular) Session of the Commission had been included in the 13th Edition of the Procedural Manual, of which the English version was currently available electronically, and that the matters concerning the Joint FAO/WHO Evaluation would be considered under the relevant Agenda Items.

¹ CX/GP 03/19/2

PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE, INCLUDING THE STRUCTURE AND FUNCTIONS OF THE EXECUTIVE COMMITTEE (Agenda Item 3a)²

7) The 26th Session of the Commission had agreed that the Committee on General Principles should undertake a review of the Rules of Procedure in order to implement its decisions as a result of the Joint FAO/WHO *Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards*. The Representative of the FAO Legal Counsel, while introducing the document, noted that the proposed amendments concentrated on substantive changes concerning the enlargement of the Executive Committee; the functions of the Executive Committee; and matters related to budget and expenses.

8) The Committee noted that in view of the recent change in the status of the Coordinators, the Rules regarding their appointment and functions should be removed from the current section of the Rules and reorganized under a separate Rule.

Enlargement of the Executive Committee

9) The Committee recalled that Rule II. 4 (Rule III. 4)³ specified that Coordinators were appointed from among the Members of the Commission. The Committee also recalled the arrangements agreed upon by the 18th Session of the Commission in 1989 and agreed to reflect the changes in the Rules of Procedure on the basis of the proposal by the Delegation of Malaysia. The first paragraph of the arrangements should now read as follows:

- (i) “Except for the Chairperson and the three Vice-Chairpersons, the Coordinators and the members of the Executive Committee elected on a geographical basis are countries, not individuals.”

10) The Committee noted that the provisions covered by the earlier decision of the Commission were currently addressed in the Procedural Manual. It was therefore agreed that no additional recommendations were required in this respect.

11) The Committee discussed whether the delegate of a Member may be accompanied by not more than two advisors from the same geographic location (paragraph (ii) of the arrangements) but could not come to a conclusion. The Committee agreed that this question would require further consideration at a future session and noted that meanwhile the current arrangements would continue to apply.

12) The Committee noted that paragraph (iv) of the arrangements referred to observers, therefore deferred consideration of this issue until the question of observer participation in the Executive Committee had been addressed.

13) The Delegation of Malaysia, supported by other delegations, pointed out that the functions of the Coordinators and that of the Members elected on a geographical basis would need further clarification in a separate document rather than in the Rules of Procedure. The Committee agreed that this question would be considered under Agenda Item 8 as Other Business.

14) The Committee considered the proposed amendment to Rule III.1 (Rule IV.1) to reflect the decision of the Commission that the Executive Committee should be enlarged by appointing the Coordinators as Members (paragraph 9 of the working document).

15) The Committee corrected the proposal for a revised Rule to refer to “the Vice-Chairpersons” and agreed that the first sentence should end after the list of geographic locations. The second sentence should therefore read “Not more than one delegate from any one country shall be a member of the Executive Committee”. Several delegations stressed the importance of this principle

² CX/GP 03/19/3, CRD 1 (comments of Malaysia), CRD 2 (comments of the Philippines), CRD 3 (comments of Consumers International), CRD 4 (comments of Indonesia)

³ Throughout the section, reference is made to the numbering of the Rules of Procedure in the working document and the 12th Edition of the Procedural Manual followed by the updated numbering in the 13th Edition of the Procedural Manual (in parenthesis)

to ensure the diversity of representation in the Executive Committee and expressed the view that there should be no exceptions.

16) The Committee discussed extensively the need to amend the proposed Rule or to insert a footnote allowing a member to be represented on the Executive Committee if a delegate of the same Member was the Chairperson or Vice-Chairperson, in order to address the particular situation of the North America Region.

17) The Delegation of the United States pointed out that the proposed text might prevent the representation of North America when one of the two members of this geographic location completed its second term while the Chairperson or Vice-Chairperson coming from the other Member was still to serve. The Delegation of Canada pointed out that the Chairperson and Vice-Chairpersons were not elected on a geographic basis but represented all members of the Commission and the fact that one of them came from a particular region should not prevent representation of that region in the Executive Committee.

18) Some delegations also noted that the issue of representation was related to the duration of the term in view of the decision to hold annual meetings of the Commission, and proposed to address this matter under Agenda Item 8 as Other Business.

19) The Committee considered the following proposal prepared by the Delegation of Brazil, with the assistance of other delegations:

Should a situation arise where the nationality of the chairperson or the vice-chairpersons would prevent the inclusion of a member elected on a geographical basis, the term of the Member elected on a geographical basis coming from that geographic location may be further extended.

20) Several delegations supported this proposal as a compromise solution to address a specific situation, while retaining the principles set out in the Rule on the composition of the Executive Committee. Several other delegations however expressed the view that this proposal aimed at addressing concerns of a specific geographic location was not acceptable and that the problem was inherent to the particular nature of this geographic location comprising only two countries. The Committee could not come to a consensus on this matter.

21) Some delegations pointed out that the mandate of the Committee was to propose an amendment concerning the Coordinators and that other questions related to the composition of the Executive Committee that could not be solved at the current session would require consideration at a later stage but that the matter could be discussed under Agenda Item 8 if time permitted.

22) The Committee agreed that no further amendment could be introduced at this stage. The Delegations of Canada and the United States reserved their position on this decision, as the proposed revised Rule contained inconsistencies that might prevent the representation of the North America Region in the Executive Committee.

Functions of the Executive Committee

23) The Committee considered the text proposed in paragraph 13 of the working document for a revised Rule III.2 (Rule IV.2) to reflect the new functions of the Executive Committee, while deleting provisions on obsolete functions. The Committee agreed to include additional text referring to the critical review and to monitoring progress in order to clarify the standard management functions.

24) The Committee agreed that the text concerning additional functions of the Executive Committee in paragraph 15 of the working document should be inserted as a new Rule III.3 (Rule IV.3).

25) The Committee discussed the text in paragraph 16 of the working document concerning the question of sub-committees. The Delegation of India, supported by other delegations, pointed out that the number of sub-committees should be limited and that their purpose should be clearly specified. The Committee recalled that the Commission had noted that any proposed body would be

subject to analysis of costs and that there would be only a limited number, and that a sub-committee could be established for programming, budget and planning.

26) The Delegation of Denmark, supported by other delegations, expressed the view that sub-committees should not substitute for the Executive Committee by directly exercising its functions and the Committee agreed that the sub-committees would “enable it to exercise its functions as effectively as possible”. The Committee agreed to insert additional text to clarify the role of sub-committees and to specify that they reported to the Executive Committee, as proposed by the Chairperson of the Commission.

27) The Committee agreed to insert a sentence reflecting the need for appropriate geographical balance in the composition of sub-committees, as proposed by the Delegation of Canada.

Budget and Expenses (Funding the Participation of Members)

28) The Committee considered the proposed amendments to Rule XI (Rule XII) Budget and Expenses. In paragraph 20, the Committee agreed with the proposal from the Delegation of Malaysia, supported by many delegations, to limit the funding of participation in the Executive Committee to members from developing countries in view of budgetary implications and amended the text accordingly.

29) The Delegation of Argentina expressed its concern as to the criteria that would allow developing countries to benefit from financial support to participate in Codex in the framework of the *FAO/WHO Trust Fund for Participation of Developing Countries in Codex Standard Setting Procedures*. The Delegation therefore proposed to consider these criteria under Agenda Item 8. The Committee noted that there was no single definition of “developing countries” and that the criteria applied might differ from one international organization to another. The Committee however recognized that it was not its mandate to discuss such a definition and criteria and that these matters were the responsibility of FAO and WHO, and would be also considered by the Executive Committee.

30) The Representative of FAO informed the Committee that the criteria applied in relation to the *FAO/WHO Trust Fund* had been reviewed by FAO and WHO following the discussions of the Commission and that a progress report would be presented for consideration by the next session of the Executive Committee.

31) The Committee recalled that the Commission had requested a review of Rule XI.4 (Rule XII.4) to remove possible impediments to the participation of recipients of funding from the *FAO/WHO Trust Fund*. The Commission had also requested that the revised Rule should take into account the decision concerning funding of participation of Members of the Executive Committee from the Codex Budget.

32) The Delegation of the United States questioned whether the proposal presented in paragraph 23 of the working document adequately addressed these requests. The Representative of the FAO Legal Counsel clarified that the provisions preventing the funding of participants from the *Trust Fund* had been deleted and therefore no obstacle remained to prevent such funding. The Committee agreed to retain the text of proposed revised Rule XI.4 (Rule XII.4).

Status of the Proposed Amendments to the Rules of Procedure, including the Structure and Functions of the Executive Committee

33) The Committee agreed to forward the Proposed Amendments to the Rules of Procedure, including the Structure and Functions of the Executive Committee, to the 27th Session of the Codex Alimentarius Commission for adoption (see Appendix II).

PROPOSED AMENDMENT TO RULE VII.5 OF THE RULES OF PROCEDURE
(Agenda item 3(b))^{4,5}

34) The Committee considered document CX/GP 03/19/3 – Add. 1 entitled *Review of Rule VII.5 of the Rules of Procedure of the Codex Alimentarius Commission*, which was introduced by the Representative of the FAO Legal Counsel. The document set forth preliminary proposals for a revision of that Rule, in accordance with the decision taken by the Commission at its 26th Session and in light of the recommendation by the Joint FAO/WHO Evaluation of the Codex Alimentarius that the Executive Committee should be given a role in the granting of observer status. The document concentrated on issues arising from the participation of international non-governmental organizations in the work of the Codex Commission, and recalled the relevant provisions in force, as well as the practice followed by the Directors-General of FAO and WHO in granting observer status to those organizations.

35) The document presented and analyzed three possible options for the revision of Rule VII.5⁶ as follows: (a) maintaining the *status quo* combined with stricter application of relevant criteria; (b) giving authority for the granting of observer status to the Executive Committee or the Codex Commission acting on the advice of the Executive Committee and (c) entrusting the Executive Committee with advisory functions with respect to the granting, by the Directors-General of FAO and WHO, of observer status to international non governmental organizations.

36) In light of the observations made in the document, the Committee was of the view that an amendment to Rule VII.5 could be considered on the basis of option (c), whereby the Executive Committee would be entrusted with advisory functions in respect of the granting by the Directors-General of FAO and WHO of observer status to international non-governmental organizations. This option would improve the transparency and democratic base of Codex, while being in agreement with the statutes of the Commission in relation to its parent organizations and with the new role assigned to the Executive Committee.

37) In response to requests for clarification on the procedures of FAO and WHO regarding admission of observers, the Representative of the FAO Legal Counsel provided information on the detailed procedures in force at FAO, as set out in the Basic Texts of the Organization involving, *inter alia*, three forms of status, i.e. consultative status, specialized consultative status and liaison status. The legal adviser for WHO informed the Committee about the procedure applicable for the admission of NGOs into official relations, which was the only category of formal relations envisaged in WHO. He underlined the fact that the process culminating with the admission of NGOs into official relations by the Executive Board was a long and rather rigorous one and its procedures were currently under review.

38) The question was also raised as to whether it would be possible to establish criteria common to FAO and WHO for the granting of observer status with the Codex Commission to international non-governmental organizations. The Legal Counsels of FAO and WHO indicated that insofar as FAO and WHO have established their own procedures this would involve changes to their respective procedures which would be a process involving some time. To the extent that an actual need existed to establish such common criteria in light of specific requirements of the Codex Commission, the Organizations would be prepared to consider the matter.

⁴ CX GP 03/19/3-Add. 1, CRD 2 (comments of the Philippines), CRD 3 (comments of Consumers International), CRD 4 (comments of Indonesia)

⁵ This Agenda Item was considered in conjunction with Agenda Item 5

⁶ As in the 12th Edition of the Procedural Manual (Rule VIII.5 in the 13th Edition)

Status of the Proposed Amendment to Rule VII.5 of the Rules of Procedure

39) The Committee requested the Legal Counsels of FAO and WHO to prepare a document, setting forth proposed amendments to that Rule, for its forthcoming regular session in May 2004. The Committee noted that the Director-General of FAO would be seeking the views of the FAO Committee on Constitutional and Legal Matters (CCLM), at its session of March 2004, on the proposal. The Director-General would bring to the attention of the CCLM the specific status and needs of the Codex Commission as well as the particular nature of its work.

CONSIDERATION OF THE STATUS OF OBSERVERS IN THE EXECUTIVE COMMITTEE (Agenda item 3 (c))⁷

40) The Committee considered document CX/GP 03/19/3-Add. 2, entitled "Consideration of the status of observers in the Executive Committee". The Committee noted that at the 26th Session of the Commission a majority of the members had agreed to the participation of Members of the Commission that were not members of the Executive Committee and recognized international organizations as observers in the Executive Committee meetings, with clearly defined rights to address the Committee. The Commission had also decided that the exact modalities of this participation needed further elaboration and consultation with FAO and WHO. A number of delegations had also noted options available for web casting of meetings of the Executive Committee⁸. The document recalled that the current provisions whereby observers were not allowed to participate in meetings of the Executive Committee were generally based on rules followed by the parent organizations and long standing practice and that the matter had been under discussion at a number of recent sessions of the Commission and of the Committee on General Principles.

41) The Committee noted that the document considered two concerns of particular relevance for the consideration of this agenda item. On the one hand, participation of observers in the Executive Committee would increase transparency and inclusiveness of its work; on the other hand, it was essential to preserve the efficiency of the Executive Committee as a body of restricted membership exercising executive and managerial functions. The document also noted that participation as observers in the work of the Executive Committee would concern Members of the Commission that were not members of the Executive Committee, intergovernmental organizations and international non-governmental organizations and that various options in that connection had been proposed. The document noted that modalities to enable a limited number of observers to participate in the work of intergovernmental organizations had recently been developed within the United Nations system, as regards, for instance, World Food Summits and the Programme Coordinating Board of UNAIDS.

42) In the debate that followed the presentation of the document, all participants expressed the view that it was important to ensure transparency in the work of the Executive Committee. However, it was generally felt that allowing Members, intergovernmental organizations and international non-governmental organizations to participate in meetings of the Executive Committee as observers would limit its ability to discharge its functions in an efficient manner. In view of these considerations, many delegations were opposed to the participation of observers in the deliberations of the Executive Committee and were of the view that increased transparency and participation in the work of the Executive Committee could be achieved, for example, by increased consultation through the members elected on a geographical basis and coordinators, or through the Codex Contact Point at the national level.

43) Several delegations and some observers expressed the view that current procedures and practice adequately ensured transparency, especially as working documents and reports of the Executive Committee were available to all Members and Observers, and hence expressed the view that the Executive Committee should remain open only to government Members. Other observers stated that

⁷ CX/GP 03/19/3-Add. 2, CRD 1 (comments of Malaysia), CRD 2 (comments of the Philippines), CRD 3 (comments of Consumers International), CRD 4 (comments of Indonesia)

⁸ ALINORM 03/41, para. 161

it was especially important to allow actual participation of observers in view of the new functions of the Executive Committee, and expressed the opinion that this would entail no additional cost to the Codex budget. Other delegations noted that the Executive Committee would no longer have the authority to develop standards in conjunction with annual meetings of the Commission and the new functions of the Executive Committee. The Committee noted the wish of OIE to attend the Executive Committee as an Observer.

44) As had been the case at the latest session of the Commission a number of delegations were of the view that alternative options should be considered, such as web casting of meetings of the Executive Committee, establishment of listening rooms and other facilities. Some delegations questioned the usefulness of listening rooms on the ground that the necessary facility and equipment might be costly and that observers, including those from developing countries, would need to travel to the meeting venue. The Delegation of Argentina proposed, in the evaluation of the costs associated with the participation of observers, to take into account the need to strengthen transparency in Codex work through the translation of documents and interpretation into the working languages of the Commission in order to facilitate the participation of developing countries.

45) The Committee agreed that at this stage no guidelines needed to be developed as to the participation of observers in the Executive Committee. The Committee requested the Codex Secretariat to prepare for the forthcoming extraordinary session of the Committee a discussion document elaborating further such possible alternative options, as mentioned above, in light of all pertinent considerations with particular reference to cost and legal and institutional implications of any of the envisaged options. It was noted that consultation with other organizations both within and outside the United Nations system could be undertaken in connection with the preparation of the document.

PROCESSES FOR STANDARDS MANAGEMENT (INCLUDING THE CRITICAL REVIEW) (Agenda Item 4)

REVISION OF THE CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES⁹ (Agenda Item 4a)

46) The French Secretariat introduced the *Draft Criteria for the Establishment of Work Priorities* and explained that the proposed text, based on the existing *Criteria*, incorporated current priorities affirmed by the Commission at its last session as well as necessary changes to accommodate the decisions of the Commission in response to the FAO/WHO Evaluation.

47) As regards the introductory paragraphs, the Committee noted that the reference to the strategic plan and the relevant outcomes of the critical review conducted by the Executive Committee was included and agreed with the text as proposed.

CRITERIA

General criterion

48) Several delegations were of the opinion that the importance of health and food safety viewpoints could further be stressed as high priority. The Delegation of Canada, supported by the Observer from Consumers International, proposed to include a reference to consumer protection against food-borne diseases and inadequate nutritional content of foods, while other delegations expressed a view that the concept of nutrition did not depend on the safety of a single food but on the whole diet and that the text should be kept general and simple.

⁹ CX/GP 03/19/4, CRD1 (comments of Malaysia), CRD 3 (comments of Consumers International), CRD 4 (comments of Indonesia).

49) Many delegations noted that the term “fraudulent practices” was too narrow in its scope and should be complemented with the term “deceptive practices” or be replaced by a reference to “fair practices”, this term being part of the Codex mandate and widely used within Codex. It was also noted that the protection from unfair practices concerns not only consumers but also other parties involved in the food trade.

50) Some delegations, supporting the proposal of the Delegation of Malaysia, were in favour of separating different elements in the General Criterion and presenting them as separate bullet points. However, other delegations felt that the stress on the priority of consumer protection might be weakened if different elements were presented in a parallel manner, and the issue of an order of priorities might arise.

51) After an extensive exchange of views, the Committee decided to keep these elements in a single sentence and agreed with the following text as “General Criterion”:

“Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.”

Criteria applicable to general subject and Criteria applicable to commodities

52) The Delegation of Italy, speaking on behalf of the Member States of the European Union, proposed that in addition to work already undertaken by other international organizations, account should also be taken of the requests by relevant international intergovernmental bodies to undertake new work. On this proposal, the Delegation of Argentina observed that reference should be made specifically to the World Trade Organization and expressed its concern with a general reference to other international intergovernmental bodies.

53) The Observer from Consumers International, supported by other delegations, stated that among those criteria trade issues should be considered to be secondary, compared to consumer protection and proposed to delete a reference to impediments to international trade in both sets of criteria and replace the term “trade issues” in paragraph (e) in the latter criteria by “fair practices in the food trade”.

54) The Committee did not conclude the discussion on these sections of the text. The criteria will be considered at the next (extraordinary) session.

PROCESSES FOR STANDARDS MANAGEMENT (INCLUDING THE REVIEW OF THE ELABORATION PROCEDURES)¹⁰ (Agenda Item 4b)

55) The French Secretariat introduced the document and stressed the importance of implementing the decisions of the Commission in order to allow the Executive Committee to carry out its standards management functions as soon as possible. The new sections related to the critical review had been introduced in the document as a matter of priority, with the understanding that other sections could be reviewed further at a later stage. The French Secretariat also recalled that whether the Acceptance Procedure had become obsolete or should be revised had been considered by the Committee at earlier sessions and that no conclusion had been reached in this respect.

56) The Delegation of the United States indicated that substantive issues remained to be addressed in the current text and specifically the provisions of the Acceptance Procedure of Codex Standards (Part 3). The Committee agreed to consider this question under Agenda Item 8 if time allowed.

57) The Committee considered the working document section by section and made the following amendments and comments.

¹⁰ CX/GP 03/19/4-Add.1, CRD1 (comments of Malaysia), CRD 3 (comments of Consumers International), CRD 4 (comments of Indonesia), CRD 5 (comments of Canada).

Introduction

58) The Committee agreed with the proposals of the Delegation of Australia to amend paragraph 2 as follows: a reference to proposals for new work was inserted to reflect that the critical review should cover all steps of the Elaboration; it was clarified that the standards should continue to meet the strategic priorities of the Commission; and the need to take into account the availability of scientific advice was recognized.

59) The Committee agreed with all other amendments to the Introduction proposed in the working document in order to highlight the concept of critical review, with an editorial amendment in paragraph 9.

Part 2 Critical Review

Proposals to undertake new work

60) The Committee agreed that the title should refer both to proposals to undertake new work and to revise a standard, and made consequential amendments throughout the text where necessary.

61) The Committee agreed that the project document accompanying the proposal to undertake new work or to revise a standard could be prepared by a Committee or a Member of the Commission.

62) The Delegation of Canada proposed to include a new section to clarify the content of the project document in order to ensure a more systematic and consistent approach in the consideration of new work. After an exchange of views, the Committee agreed to integrate the provisions on the project document at the beginning of the section on Critical Review. The Committee discussed the elements that should be included, on the basis of the text provided by the Delegation of Canada in CRD 5 and in particular agreed that the project document should include an assessment against the Criteria for the Establishment of Work Priorities. The Committee added a reference to the requirement for and availability of scientific advice, following its earlier decision on the Introduction. The Committee also agreed that information on the relation between the proposal and existing Codex documents should be included in the project document, as proposed by the Delegation of Switzerland.

63) The Delegation of New Zealand proposed to insert a reference to coordination with other international standard-setting bodies. Several delegations supported this proposal as it reflected the general provisions of the *Strategic Framework* and the specific recommendations of the Commission concerning collaboration with OIE in order to ensure an integrated approach to food safety.

64) Several other delegations expressed the view that no reference to other bodies should be included in Codex Procedures as the membership of such bodies might differ from the Codex membership and the development of Guidelines for cooperation with international intergovernmental organizations was still under consideration in the Committee. Some delegations noted that Article 1 of the *Statutes* and the *Strategic Framework* already addressed the need for such coordination, and there was no need to repeat it in the document under consideration. The Delegation of India expressed the view that the addition of such a requirement would make it more difficult for developing countries to prepare project documents.

65) After an extensive debate, the Committee agreed on a compromise text referring to the “identification of any need for technical input to the standard from external bodies, so that it can be planned for”, as proposed by the Delegations of Brazil and New Zealand.

66) The Committee agreed that the paragraph referring to the work of the Committee on Food Additives and Contaminants, the Committee on Pesticide Residues and the Committee on Residue of Veterinary Drugs in Foods should be transferred to the end of the section, and discussed the subsection concerning the critical review itself.

67) The Committee recognized that the decision to undertake new work was taken by the Commission on the basis of the critical review conducted by the Executive Committee, and amended the text accordingly.

68) As regards the elements to be included in the critical review the Committee discussed the role of the Executive Committee in assessing the need for scientific advice (the fourth bullet point). After some discussion, the Committee agreed that “a preliminary review” was conducted rather than an “assessment” as the Executive Committee was not a scientific body and would not be in a position to take a final decision to determine the need for scientific advice. A reference to “the prioritization of that advice” was also added, for consistency with the decisions of the Commission in this respect.

Monitoring Progress of Standards Development

69) The Committee amended the first paragraph to clarify that the review of the status of development of draft standards would be carried out against the time frame agreed by the Commission. In the second paragraph, the Committee noted the concerns of several delegations as to the possibility of proliferation of *ad hoc* Task Forces and agreed to include a possibility for the establishment of a limited number of subsidiary bodies, if appropriate.

70) The Committee discussed the elements that should be included as part of the monitoring process. On the suggestion of the Delegation of Ghana, the Committee deleted the reference to suspension of work in the first bullet and retained only the reference to corrective action as the nature of such action would be left to the decision of the Executive Committee.

71) Some delegations pointed out that the Executive Committee might not be able in practice to examine the standards and related texts for format, presentation and linguistic consistency. The Committee noted that the Executive Committee would require the support of the Secretariat in this respect.

72) Several delegations expressed their strong concerns as to the reference to “other international legal instruments”. They stated that this reference was open to different interpretations and that members of the Commission were not necessarily members of other international organizations. After some discussion, the Committee agreed to refer to the mandate of Codex as it covered coordination with other standardization bodies. The Committee agreed to group some of the elements pertaining to the mandate, existing Codex texts and the decisions of the Commission in the same sentence in order to simplify the text.

Part 3. Uniform Procedure for the Elaboration of Codex Standards and Related Texts

Part 4. Uniform Accelerated Procedure for the Elaboration of Codex Standards and Related Texts

Guide to the Procedure for the Revision and Amendment of Codex Standards

73) The French Secretariat indicated that the above sections included only consequential amendments referring to the critical review, as a result of the amendments made to the previous sections, since the 26th Session of the Commission had agreed to retain the current Step Procedure unchanged.

74) The Delegation of Italy, speaking on behalf of the Member States of the European Union, proposed to add a reference to the Joint FAO/WHO Expert Consultations on Microbiological Risk Assessment (JEMRA) in relation to maximum limits for microbiological contamination in the section addressing Step 2 in Part 3 and Part 4 of the document. The Committee however noted that the sections referred specifically to maximum residue limits for pesticides and veterinary drugs and that the situation was different in the case of microbiological contamination.

75) The Representative of FAO proposed to refer to “Codex guidance to manage microbiological contamination” so that no reference would be made to maximum limits. Noting that Joint FAO/WHO Expert Consultations were also held on an ad hoc basis in other areas, the Committee agreed on a more general wording to the effect that “any other relevant information regarding risk assessment work conducted by FAO and WHO should also be made available”.

Status of the Proposed Amendments to the Procedures for the Elaboration of Codex Standards and Related Texts

76) The Committee agreed to forward the Proposed Amendments for adoption by the 27th Session of the Codex Alimentarius Commission (see Appendix III).

REVIEW OF THE PRINCIPLES CONCERNING THE PARTICIPATION OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE WORK OF THE CODEX ALIMENTARIUS COMMISSION (Agenda item 5)^{11, 12}

77) The Committee considered document CX/GP 03/19/5, entitled “Review of the Principles concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission.”. The document was introduced by the legal adviser for WHO, who noted that the item was being considered in accordance with the decision taken by the Commission at its 26th Session that the *Principles concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission* (the *Principles*) be revised in the light of the revision of Rule VII.5¹³. The document clarified that the legal basis for the granting of observer status to NGOs rested in Rule VII.5 and highlighted that the *Principles* aimed at spelling out and implementing in detail the general provisions contained in the Rule.

78) The document did not set forth specific proposals on a possible revision of the overall process of granting observer status, since this depended on the preliminary question of the revision of Rule VII.5 (see paras. 34-39). However, in line with a recommendation from the Joint FAO/WHO *Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards*, the document suggested that the Committee consider clarifying three of the criteria contained in the current *Principles*.

79) A number of delegations agreed on the usefulness of a clarification of some of the criteria for eligibility of NGOs, and on the need to apply stricter criteria. Many delegations stressed the importance of the requirement that they be “international in structure and scope of activity”. The Committee also considered proposals to determine whether NGOs participated and contributed actively in the work of Codex and noted the view expressed by some observers that this be the sole criterion and that the application of numerical criteria was inappropriate. With regard to the possibility of granting observer status to NGOs that consist of smaller or regional member organizations already enjoying observer status, some delegations stated that observer status should be granted preferably to the larger organization. The Committee also noted the views that the representation of smaller or regional organizations should be allowed in order to allow a wider range of views and expertise.

80) Some delegations stated that the Principles, once revised, should be applied to NGOs already enjoying observer status. Other delegations noted that in accordance with the provisions of the current Principles arrangements for Observer Status could be terminated for NGOs not contributing to the work of Codex¹⁴.

¹¹ CX/GP 03/19/5, CRD 3 (comments of Consumers International), CRD 4 (comments of Indonesia)

¹² This Agenda Item was considered in conjunction with Agenda Item 3b)

¹³ As in the 12th Edition of the Procedural Manual (Rule VIII.5 in the 13th Edition)

¹⁴ *Principles concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission*, Section 6, paragraph 2

81) The Committee noted that the Commission had requested FAO and WHO to submit a report on the status of the current international organizations in “Observer Status” to the Commission’s next Regular Session. This report, which should include a list of observer NGOs, would enable the Commission to have an overview of the general situation concerning NGOs in observer status and to consider whether measures would be warranted to ensure that only NGOs which are willing and able to contribute to the work of Codex would retain observer status.

82) The Committee, while recognizing that in view of a number of outstanding issues it was premature to agree on revised principles, requested the Codex Secretariat, in cooperation with the FAO and WHO Legal Counsels, to prepare a general document outlining the possible main areas of improvement of the principles for consideration at its forthcoming regular session, both in the light of the decision to revise Rule VII.5 as well as with regard to the criteria for eligibility of NGOs.

REVIEW OF THE GUIDELINES FOR CODEX COMMITTEES (Agenda Item 6)¹⁵

83) The Committee recalled that the Commission at its 26th Session had requested the Committee on General Principles to develop appropriate guidelines in response to the proposal on the separation of advice to host governments and advice on the conduct of meetings, the proposal on criteria for selection of chairpersons, and the proposal on the conduct of meetings¹⁶. The Committee noted that four draft texts had been prepared by the French Secretariat on the basis of the existing guidelines and it considered the four draft texts under the following two sub-items 6(a) and 6(b).

ADVICE TO HOST COUNTRIES (INCLUDING CRITERIA FOR THE SELECTION OF CHAIRPERSONS) (Agenda Item 6a)

84) The document CX/GP 03/19/6, introduced by the French Secretariat, contained two draft texts, namely *Draft Criteria for the Appointment of Chairpersons* and *Draft Guidelines to Host Governments of Codex Committees and ad hoc Intergovernmental Task Forces*.

Draft Criteria for the Appointment of Chairpersons

85) Delegations generally supported the criteria contained in the proposed text. The Committee agreed with several proposals for amendment that were aimed at stressing the need for demonstrated ability in chairing meetings and facilitating consensus building, as well as the importance of impartiality and objectivity. The reference to the need for familiarity with the Codex system and its rules was also included. It was also agreed that a general knowledge of the subject matter was more relevant than a highly specialized technical knowledge in the field of the subsidiary body.

86) The Committee discussed the proposals of the Delegation of Italy, speaking on behalf of the Member States of the European Union, to refer to a conflict of economic interest. The Committee however agreed to retain the term “conflict of interest” as it included economic interests and covered other possible conflicts that might arise.

Status of the Draft Criteria for the Appointment of Chairpersons

87) The Committee agreed to forward the Draft Criteria, as amended, to the Commission for adoption at its 27th Session (see Appendix IV).

Draft Guidelines to Host Governments of Codex Committees and ad hoc Intergovernmental Task Forces

88) The Committee agreed to make a number of amendments, mostly editorial or practical in nature, to the draft guidelines.

¹⁵ CX/GP 03/19/6, CX/GP 03/19/6-Add.1, CRD 3 (Comments of Consumers International), CRD 4 (Comments of Indonesia) and CRD 6 (comments of Canada)

¹⁶ ALINORM 03/41, paras. 178-179

89) The Delegation of the United States, supported by Canada, highlighted the need to use the opportunity of the revision of these texts to improve the structure and presentation of the Procedural Manual and make it a more user-friendly document. The Committee agreed to further discuss this matter at its next regular session (see para. 120).

90) The Delegation of Argentina, speaking on behalf of the members of the Coordinating Committee for Latin America and the Caribbean and referring to the section on *Preparation and Distribution of Papers*, expressed the view that the matters related to the timely translation and distribution of documents would require specific consideration. The Delegation highlighted the difficulties faced by member countries due to the delays in the translation and distribution of documents. It was highlighted that the distribution of paper documents was particularly costly and inefficient. The Committee noted that this question would be considered under Agenda Item 8 if time allowed (see para. 120).

Status of the Draft Guidelines to Host Governments of Codex Committees and *ad hoc* Intergovernmental Task Forces

91) The Committee agreed to forward the Draft Guidelines, as amended, to the Commission for adoption at its 27th Session (see Appendix V).

CONDUCT OF MEETINGS (Agenda Item 6b)

92) Document CX/GP 03/19/6-Add.1, introduced by the French Secretariat, contained two draft texts, namely *Draft Guidelines on the Conduct of Meetings of Codex Committees and ad hoc Intergovernmental Task Forces* and *Draft Guidelines to Chairpersons of Codex Committees and ad hoc Intergovernmental Task Forces*.

Draft Guidelines on the Conduct of Meetings of Codex Committees and *ad hoc* Intergovernmental Task Forces

93) Under the section entitled “Conduct of Meetings”, the Committee noted that a new text had been inserted in the current text to take account of the status of regional economic integration organizations as Codex Members. In this regard, the Committee agreed to the proposal of the Delegation of the United States to insert “or subparts thereof, as appropriate” after the term “each item”. The Observer of the European Commission stated that the European Community and its Member States are responsible for determining where the competence lies for each meeting’s agenda items, and to decide whether a single competence statement is sufficient for the whole item or for each of its subparts when an agenda item comprises several sub-items.

94) With reference to the areas of shared competence between a regional economic organizations and its members, the Delegation of the United States also proposed the insertion of a sentence at the end of the paragraph, as follows: “*For issues of mixed competence, the party holding predominance will represent the interests associated with the issue*”. The Committee decided not to include this proposal in the guidelines to avoid inconsistencies with Rule II of the Rules of Procedure¹⁷ but agreed to replace the phrase “where the competence predominantly lies” in the original draft with the phrase “which party has the voting right” to clarify the text.

95) Under the section “Reports”, the Committee agreed to clarify the text in the last paragraph by including the phrase “in the languages of the Committee”, as requested by the Delegation of Argentina, expressing the views of the members of the Coordinating Committee for Latin America and the Caribbean, and supported by several delegations. Several Delegations felt that not having translations into all working languages of Committees in a timely manner was a major impediment to transparency and to the smooth progress of Codex work. This also applied to the draft reports of sessions distributed in Codex sessions, that should be made available in the working languages of the Committee concerned.

¹⁷ Procedural Manual, 13th Edition

Status of the Draft Guidelines on the Conduct of Meetings of Codex Committees and ad hoc Intergovernmental Task Forces

96) The Committee agreed to forward the Draft Guidelines to the 27th Session of the Commission for adoption (see Appendix VI).

Draft Guidelines to Chairpersons of Codex Committees and ad hoc Intergovernmental Task Forces

97) Several Delegations stated that the scope of the last sentence under the section “Conduct of meetings” should not be limited to assessing of the situation. The Committee decided to enlarge its scope so as to deal with the whole process of the conduct of meetings including the assessment of the situation with regard to the party which has the right to vote.

98) The Committee had a lengthy debate on the section dealing with consensus. On point (a), the need for timely progress in developing standards was emphasized. The Committee further agreed to simplify point (b). The Delegation of Italy, speaking on behalf of the Member States of the European Union, expressed the view that a definition of consensus was needed in the framework of the Draft Guidelines. The Delegation of Ecuador stressed that any definition of consensus should be based on international practice and custom, especially the legal instruments of the WTO. On point (c), the need to define consensus was recognized, but it was felt that this was not within the mandate given by the Commission to the Committee. The Committee agreed not to qualify the term “consensus” but to adhere to the text in the general decisions of the Commission “Measures to Facilitate Consensus”, adopted in 2003.

99) Several delegations stressed the importance of ensuring consideration of written comments from members and observers not present at the session, but in order for this to be possible these comments should be received in a timely manner. The Committee agreed to reflect this idea in the fifth paragraph under the section dealing with conduct of meetings.

100) As regards the set of measures to facilitate consensus building, the Committee underlined the importance of taking into account data from developing countries and amended the text to reflect that if such data were not readily available, they should be actively sought.

101) On point (e) of the subsection on measures to facilitate consensus building, the Committee agreed to include a footnote to allow square-bracketing of small parts of the proposed draft in the early stages of elaboration, as a useful means to progress the work of Codex subsidiary bodies.

102) The Committee agreed to add a last point f) concerning increased involvement of developing countries, for consistency with the *Measures to Facilitate Consensus* adopted as a general decision of the Commission.

Status of the Draft Guidelines to Chairpersons of Codex Committees and ad hoc Intergovernmental Task Forces

103) The Committee decided to forward the Draft Guidelines, as amended, to the Commission for adoption at its 27th Session (see Appendix VII).

OTHER PROPOSALS TO FACILITATE STANDARD DEVELOPMENT (OTHER THAN STANDARD MANAGEMENT PROCESS): REVIEW OF THE GUIDELINES FOR CODEX COMMITTEES AND OTHER ADDITIONAL TEXT (Agenda Item 7)¹⁸

104) The French Secretariat introduced the document and recalled that the 26th Session of the Commission had agreed in principle to several recommendations concerning the use of facilitators, the establishment of physical and electronic working groups and had referred the question of co-chairmanship to the Committee on General Principles¹⁹. The Committee noted that the document did not include specific text concerning the use of facilitators because the Commission had agreed

¹⁸ CX/GP 03/19/7, CRD 3 (comments of Consumers International)

¹⁹ ALINORM 03/41, paras. 167, 178 and 179

to adopt an experimental approach and this did not appear to require the establishment of detailed guidelines at this stage. The French Secretariat also indicated that the question of co-chairmanship should be discussed in principle.

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.

Draft Guidelines on Physical Working Groups

106) Several delegations pointed out that the provisions of the Draft Guidelines were too close to those of a subsidiary body of the Commission, and that the formality of the process would not allow flexibility in the organization of work and exchange of views. It was noted in particular that the provisions concerning invitation and provisional agenda involving clearance from national authorities at a ministerial level might create significant delay in the process.

107) Some delegations questioned the use of the term “Coordinator” as it might create confusion with Regional Coordinators.

108) The Delegation of Cameroon, supported by the Delegation of Mali, expressed the view that physical working groups should be the rule and electronic working groups the exception, since many developing countries experience difficulties with electronic communication, and other problems may arise such as the use of different languages. Several other delegations, including delegations of developing countries, supported the establishment of electronic working groups whenever possible and the establishment of physical working groups only when other strategies had been considered, in conformity with the recommendations of the Commission in this respect.

109) The Delegation of the United States, supported by several delegations, proposed to amend the section on *Duties and Terms of Reference* to the effect that working groups convened during a session of a committee should be scheduled so as to allow participation of all delegations present at the session.

110) The Delegation of Argentina stated that not only those delegations present at a Committee session but all other Members and Observers should be invited to attend working group meetings.

111) The Delegation of Italy, speaking on behalf of the Member States of the European Union, proposed that physical working groups should preferably be held immediately before Codex sessions, rather than in between sessions, in order to facilitate the participation of developing countries and to reduce costs.

112) Some delegations stressed the importance of balanced geographical representation, as well as adequate representation of developing countries in Working Groups. Other delegations pointed out that all standards or related texts might not be of equal interest to all regions and that flexibility should be allowed in this respect.

113) The Delegation of Mexico proposed a number of amendments to reflect that working groups should work in the three languages of the Commission. Other delegations expressed the view that the use of three languages would create practical difficulties and entail additional costs, especially for the Member who exercised the functions of “Coordinator”.

114) The Observer from Consumers International expressed the view that the impartiality of the Coordinator and/or Chairperson of a working group was essential and proposed that the *Draft Criteria for the Appointment of Chairpersons* and *Draft Guidelines on Conduct of Meetings* should also apply to the Chairpersons and meetings of working groups. The Observer also proposed that the Codex Secretariat participate in all physical working groups established by subsidiary bodies of the Commission.

115) The Committee was informed by the Secretariat that a systematic involvement of the FAO/WHO Codex Secretariat in the operation of the working groups could give rise to statutory problems.

Draft Guidelines for Electronic Working Groups

116) Several delegations expressed the view that priority should be given to electronic working groups, as this would reduce costs and facilitate participation, especially from developing countries. Some delegations expressed the concern that the formality of some provisions in the Draft Guidelines might reduce the flexibility and efficiency of electronic working groups. The Committee noted that the process of electronic interaction would require further clarification, bearing in mind the need to ensure efficiency and active participation of all members, especially developing country members.

117) The Committee noted that electronic working groups normally operated by exchanging electronic mail but that in the future the use of more sophisticated Internet-based software could be considered.

118) The Committee also noted that several aspects mentioned in the discussion would require detailed consideration, and in particular: the use of the expression “world-wide consensus” in the Introduction; the need to explore thoroughly the opportunities offered by communication technologies; the need for transparency and clarity in the reports of working groups to reflect consensus as well as disagreement on each point, as applicable; the availability of comments provided within the working group; and the management of the distribution list within the working group. The Committee also reasserted that working groups should allow the exchange of views but should not take decisions. The Committee recognized that due to time constraints, it would not be possible to make specific amendments to the Draft Guidelines at the current session.

Status of the Draft Guidelines on Physical Working Groups and the Draft Guidelines on Electronic Working Groups

119) The Committee agreed that both Draft Guidelines would be circulated for comments in a separate Circular Letter. The Committee further agreed that the French Secretariat would redraft both Draft Guidelines in the light of the above discussion and the written comments received in reply to the Circular Letter, for consideration at the next (extraordinary) session.

OTHER BUSINESS, FUTURE WORK AND DATE AND PLACE OF NEXT SESSION²⁰ (Agenda Item 8)

120) Due to the time limitations, the Committee could not discuss issues to have been brought under this Agenda Item. The Committee also recalled that the follow-up of the outcome of the FAO/WHO *Evaluation* should not impede the on-going programme of work of the Committee. It therefore decided to discuss the following items at the next regular session of the Committee under Other Business, unless overlapping issues were identified:

- clarification of the roles of Members of the Executive Committee elected on a geographic basis and those of Coordinators;
- clarification of the duration of the term of the Coordinators and other Members of the Executive Committee, provided for in the Rules of Procedure;
- relevance of the current acceptance and notification procedures for Codex standards;
- possible reorganization of the structure and presentation of the Procedural Manual to make it more user-friendly;

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- particular situation of the North America Region in the context of Rule IV.1²¹
- implications of the exclusive use of electronic distribution of Codex documents to Members and Observers; and
- applicable criteria for the participation of developing country members in the Executive Committee in the light of the proposed Rule XII.3²¹ and the Codex budget available.

121) The Committee noted that a progress report of the FAO/WHO *Trust Fund* would be considered by the 53rd Session of the Executive Committee in February 2004, and the recommendations of the Executive Committee in this respect would then be brought to the attention of the Committee on General Principles at its next regular session.

122) The Committee was informed that the 20th (regular) Session of the Committee would be held from 3 to 7 May 2004 in Paris and the 21st (extraordinary) Session of the Committee would be held from 15 to 19 November 2004 in Paris, pending further confirmation by the French and Codex Secretariats.

²¹ 13th Edition of the Procedural Manual

SUMMARY STATUS OF WORK

Subject Matter	Step	Action by	Reference in ALINORM 04/27/33
Proposed Amendments to the <i>Rules of Procedure</i>		Governments 27 th CAC	para. 33 Appendix II
Proposed Amendments to the <i>Procedures for the Elaboration of Codex Standards and Related Texts</i>		Governments 27 th CAC	para. 76 Appendix III
Draft Criteria for the Appointment of Chairpersons		Governments 27 th CAC	para. 87 Appendix IV
Draft Guidelines to Host Governments of Codex Committees and <i>ad hoc</i> Intergovernmental Task Forces		Governments 27 th CAC	para. 91 Appendix V
Draft Guidelines on the Conduct of Meetings of Codex Committees and <i>ad hoc</i> Intergovernmental Task Forces		Governments 27 th CAC	para. 96 Appendix VI
Draft Guidelines to Chairpersons of Codex Committees and <i>ad hoc</i> Intergovernmental Task Forces		Governments 27 th CAC	para. 103 Appendix VII
Proposed Amendment to Rule VII.5 (Observers)		Legal Counsels 20 th CCGP ²²	para. 39
Consideration of the Status of Observers in the Executive Committee		Secretariat 21 st CCGP	para. 45
Review of the Principles concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission		Secretariat Legal Counsels 20 th CCGP	para. 82
Revision of the Criteria for the Establishment of Work Priorities		21 st CCGP	para. 54
Draft Guidelines on Physical Working Groups and Draft Guidelines on Electronic Working Group		Governments French Secretariat 21 st CCGP	para. 119

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The Committee will hold its 20th (Regular) Session in May 2004 and its 21st (Extraordinary) Session in November 2004

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PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE

(New text and numbering appear in bold)

RULE III. OFFICERS¹

1. The Commission shall elect a Chairperson and three Vice-Chairpersons from among the representatives, alternates and advisers (hereinafter referred to as “delegates”) of the Members of the Commission; it being understood that no delegate shall be eligible without the concurrence of the head of his delegation. They shall be elected at each session and shall hold office from the end of the session at which they were elected until the end of the following regular session. The Chairperson and Vice-Chairpersons may remain in office only with the continuing endorsement of the respective Member of the Commission of which they were a delegate at the time of election. The Directors-General of FAO and WHO shall declare a position vacant when advised by the Member of the Commission that such endorsement has ceased. The Chairperson and Vice-Chairpersons shall be eligible for re-election but after having served two consecutive terms shall be ineligible to hold such office for the next succeeding term.
2. The Chairperson, or in his absence a Vice-Chairperson, shall preside at meetings of the Commission and exercise such other function as may be required to facilitate the work of the Commission. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.
3. When neither the Chairperson nor the Vice-Chairperson are able to serve and, on the request of the outgoing Chairperson, during elections for the Chairperson, the Directors-General of FAO and WHO shall appoint a staff member to act as Chairperson, until either a temporary Chairperson or a new Chairperson has been elected. Any temporary Chairperson so elected shall hold office until the Chairperson or one of the Vice-Chairpersons is able to serve again.
4. The Commission may appoint one or more rapporteurs from among the delegates of the Members of the Commission.
5. The Directors-General of FAO and WHO shall be requested to appoint from the staffs of their organizations a Secretary of the Commission and such other officials, likewise responsible to them, as may be necessary to assist the officers and the Secretary in performing all duties that the work of the Commission may require.

RULE IV. COORDINATORS

1. The Commission may appoint a Coordinator from among the Members of the Commission for any of the geographic locations enumerated in **Rule V.1** (hereinafter referred to as “regions”) or for any group of countries specifically enumerated by the Commission (hereinafter referred to as ‘groups of countries’), whenever it may find, on the basis of a proposal of a majority of the Members of the Commission which constitute the region or group, that work for the Codex Alimentarius in the countries concerned so requires.
2. Appointment of Coordinators shall be made exclusively on the proposal of a majority of the Members of the Commission which constitute the region or group of countries concerned. Coordinators shall hold office from the end of the session of the Commission at which they were appointed until not later than the end of the third succeeding regular session, the precise term being determined by the Commission in each instance. After having served two consecutive terms, the Coordinators shall be ineligible to hold such office for the next succeeding term.
3. The functions of the Coordinators shall be:

¹ Reference is made to the 13th Edition of the Procedural Manual.

- (i) to assist and coordinate the work of the Codex Committees set up under **Rule XI.1(b)(i)**² in their region or group of countries in the preparation of draft standards, guidelines and other recommendations for submission to the Commission;
- (ii) to assist the Executive Committee and the Commission, as required, by advising them of the views of countries and recognized regional intergovernmental and non-government organizations in their respective regions on matters under discussion or of interest.

~~(d) In order to carry out their functions, Coordinators shall participate in the Executive Committee as Observers.~~

RULE V. EXECUTIVE COMMITTEE³

- 1. The Executive Committee shall consist of the Chairperson and the Vice-Chairpersons of the Commission, and the Coordinators appointed on the basis of Rule IV together with seven further Members elected by the Commission at regular sessions from among the Members of the Commission, one each coming from the following geographic locations: Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America, South-West Pacific. Not more than one delegate from any one country shall be a member of the Executive Committee. Members elected on a geographic basis shall hold office from the end of the session of the Commission at which they were elected until the end of the second succeeding regular session and shall be eligible for re-election, but after having served two consecutive terms shall be ineligible to hold such office for the next succeeding term.**
- 2. The Executive Committee shall, between sessions of the Commission, act on behalf of the Commission as its executive organ. In particular, the Executive Committee may make proposals to the Commission regarding general orientation, strategic planning, and programming of the work of the Commission, study special problems and shall assist in the management of the Commission's programme of standards development, namely by conducting a critical review of proposals to undertake work and monitoring the progress of standards development.**
- 3. The Executive Committee shall consider specific matters referred to it by the Directors-General of FAO and WHO as well as the estimate of expenditure for the Commission's proposed programme of work as described in Rule XIII.1⁴.**
- 4. The Executive Committee may establish such sub-committees from among its Members as it may deem necessary to enable it to exercise its functions as effectively as possible. Such sub-committees should be limited in numbers, carry out preparatory work and report to the Executive Committee. The Executive Committee shall appoint one of the Vice-Chairpersons of the Commission to serve as chairpersons of any such sub-committee. Consideration should be given to an appropriate geographical balance in the membership of sub-committees.**
- 5. The Chairperson and Vice-Chairpersons of the Commission shall be respectively the Chairperson and Vice-Chairpersons of the Executive Committee.**
- 6. Sessions of the Executive Committee may be convened as often as necessary by the Directors-General of FAO and WHO, in consultation with the Chairperson. The Executive Committee shall normally meet immediately prior to each session of the Commission.**
- 7. The Executive Committee shall report to the Commission.**

² Rule X.1 (b)(i) in the 13th Edition of the Procedural Manual. Changes in numbering are due to the presentation of the section on Coordinators as a separate Rule IV.

³ Rule IV in the 13th Edition of the Procedural Manual.

⁴ Rule XII.1 in the 13th Edition of the Procedural Manual

RULE XIII. BUDGET AND EXPENSES⁵

1. The Directors-General of FAO and WHO shall prepare for consideration by the Commission at its regular sessions an estimate of expenditure based on the proposed programme of work of the Commission and its subsidiary bodies, together with information concerning expenditures for the previous financial period. This estimate, with such modifications as may be considered appropriate by the Directors-General in the light of recommendations made by the Commission, shall subsequently be incorporated in the Regular Budgets of the two Organizations for approval by the appropriate governing bodies.
2. The estimate of expenditure shall make provisions for the operating expenses of the Commission and the subsidiary bodies of the Commission established under **Rule XI.1(a) and XI.1(b)(ii)**⁶ and for the expenses relating to staff assigned to the Programme and other expenditures incurred in connection with the servicing of the latter.
3. **The estimate of expenditure shall make provision for the travel expenses (including a daily subsistence allowance) of members of the Executive Committee from developing countries for the purpose of participating in meetings of the Executive Committee.**
4. The operating costs of subsidiary bodies established under **Rule XI.1(b)(i)**⁶ (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.
5. **Except as provided for in Rule XIII. 3, the estimate of expenditure shall make no provision for expenses, including travel, incurred by delegations of the Members of the Commission or of observers referred to in Rule IX⁷, in connection with their attendance at sessions of the Commission or its subsidiary bodies.** Should experts be invited by the Directors-General of FAO or WHO to attend sessions of the Commission and its subsidiary bodies in their individual capacity, their expenses shall be borne out of the regular budgetary funds available for the work of the Commission.

⁵ Rule XII in the 13th Edition of the Procedural Manual.

⁶ Rule X.1(a) and X.1 (b) in the 13th Edition of the Procedural Manual.

⁷ Rule VIII in the 13th Edition of the Procedural Manual.

**PROPOSED AMENDMENTS TO THE PROCEDURES FOR THE ELABORATION OF CODEX
STANDARDS AND RELATED TEXTS**

Note: Throughout this text the word “Standard” is meant to include any of the recommendations of the Commission intended to be submitted to Governments for acceptance. Except for provisions relating to acceptance, the Procedures apply *mutatis mutandis* to codes of practice and other texts of an advisory nature.

INTRODUCTION

The full procedure for the elaboration of Codex standards is as follows.

- 1. The Commission shall implement a unified approach in the area of standards development by taking its decisions, based on a strategic planning process (“standards management”) (See Part 1 of this document).**
- 2. An on-going critical review shall ensure that proposals for new work and draft standards submitted to the Commission for adoption continue to meet the strategic priorities of the Commission and can be developed within a reasonable period of time, taking into account the requirements and availability of scientific expert advice (See Part 2 of this document).**
3. The Commission decides, taking into account the **outcome of the on-going critical review conducted by the Executive Committee**, that a standard should be elaborated and also which subsidiary body or other body should undertake the work. Decisions to elaborate standards may also be taken by subsidiary bodies of the Commission in accordance with the above-mentioned **outcome** subject to subsequent approval by the Commission at the earliest possible opportunity. The Secretariat arranges for the preparation of a “proposed draft standard” which is circulated to governments for comments and is then considered in the light of these by the subsidiary body concerned which may present the text to the Commission as a “draft standard”. If the Commission adopts the “draft standard” it is sent to governments for further comments and in the light of these and after further consideration by the subsidiary body concerned, the Commission reconsiders the draft and may adopt it as a “Codex standard”. The procedure is described in Part 3 of this document.
4. The Commission or any subsidiary body, subject to the confirmation of the Commission may decide that the urgency of elaborating a Codex standard is such that an accelerated elaboration procedure should be followed. While taking this decision, all appropriate matters shall be taken into consideration, including the likelihood of new scientific information becoming available in the immediate future. The accelerated elaboration procedure is described in Part 4 of this document.
5. The Commission or the subsidiary body or other body concerned may decide that the draft be returned for further work at any appropriate previous Step in the Procedure. The Commission may also decide that the draft be held at Step 8.
6. The Commission may authorise, on the basis of two-thirds majority of votes cast, the omission of Steps 6 and 7, where such an omission is recommended by the Codex Committee entrusted with the elaboration of the draft. Recommendations to omit steps shall be notified to Members and interested international organizations as soon as possible after the session of the Codex Committee concerned. When formulating recommendations to omit Steps 6 and 7, Codex Committees shall take all appropriate matters into consideration, including the need for urgency, and the likelihood of new scientific information becoming available in the immediate future.
7. The Commission may at any stage in the elaboration of a standard entrust any of the remaining Steps to a Codex Committee or other body different from that to which it was previously entrusted.

8. It will be for the Commission itself to keep under review the revision of “Codex standards”. The procedure for revision should, *mutatis mutandis*, be that laid down for the elaboration of Codex standards, except that the Commission may decide to omit any other step or steps of that Procedure where, in its opinion, an amendment proposed by a Codex Committee is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by the Commission at Step 8.

9. Codex standards are published and governments are invited to notify the Commission’s Secretariat of the status or use of the Codex standard in accordance with their established legal and administrative procedures. They are also sent to international organizations to which competence in the matter has been transferred by their Member States (See Part 5 of this document). Details of notifications are published periodically by the Commission’s Secretariat.

PART 1. STRATEGIC PLANNING PROCESS

1. Taking into account the “*Criteria for the Establishment of Work Priorities*”, the strategic plan shall state broad priorities against which individual proposals for standards (and revision of standards) can be evaluated during the critical review process.

2. The strategic plan shall cover a six-year period and shall be renewed every two years on a rolling basis.

PART 2. CRITICAL REVIEW

Proposals to Undertake New Work or to Revise a Standard

1. Prior to approval for development, each proposal for new work or revision of a standard, shall be accompanied by a project document, prepared by the Committee or Member proposing new work or revision of a standard, detailing :

- the purposes and the scope of the standard ;
- its relevance and timeliness ;
- the main aspects to be covered ;
- an assessment against the *Criteria for the establishment of work priorities* ;
- relevance to the Codex strategic objectives ;
- information on the relation between the proposal and other existing Codex documents;
- identification of any requirement for and availability of expert scientific advice ;
- identification of any need for technical input to the standard from external bodies so that this can be planned for;
- the proposed time-line for completion the new work, including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission ; the time frame for developing a standard should not normally exceed five years.

2. The decision to undertake new work or to revise standards shall be taken by the Commission on the basis a critical review conducted by the Executive Committee.

3. The critical review includes:

- examination of proposals for development/revision of standards, taking into account the “*Criteria for the Establishment of Work Priorities*”, the strategic plan of the Commission and the required supporting work of independent risk assessment;
- identifying the standard setting needs of developing countries;
- advice on establishment and dissolution of committees and task forces, including *ad hoc* cross-committee task forces (in areas where work falls within several committee mandates); and
- preliminary assessment of the need for expert scientific advice and the availability of such advice from FAO, WHO or other relevant expert bodies, and the prioritisation of that advice.

4. The decision to undertake new work or revision of individual maximum residue limits for pesticides or veterinary drugs, or the maintenance of the General Standard on Food Additives, the General Standard on contaminants and toxins in foods, the Food categorisation system and the International numbering System, shall follow the procedures established by the Committees concerned and endorsed by the Commission.

Monitoring Progress of Standards Development

5. The Executive Committee shall review the status of development of draft standards against the time frame agreed by the Commission and shall report its findings to the Commission.

6. The Executive Committee may propose an extension of the time frame; cancellation of work; or propose that the work be undertaken by a Committee other than the one to which it was originally entrusted, including the establishment of a limited number of ad hoc subsidiary bodies, if appropriate.

7. The critical review process shall ensure that progress in the development of standards is consistent with the envisaged time frame, that draft standards submitted to the Commission for adoption have been fully considered at Committee level, and that they are technically and legally sound.

8. Monitoring shall take place against the time line deemed necessary and revisions in the coverage of the standard shall need to be specifically endorsed by the Commission.

This shall therefore include:

- monitoring of progress in developing standards and advising what corrective action should be taken;
- examining proposed standards from Codex committees, before they are submitted to the Commission for adoption :
 - for consistency with the mandate of Codex, the decisions of the Commission, and existing Codex texts;
 - to ensure that the requirements of the endorsement procedure have been fulfilled, where appropriate,
 - for format and presentation, and
 - for linguistic consistency.

PART 3: UNIFORM PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS

Steps 1, 2 and 3

- (1) The Commission decides, taking into account the **outcome of the critical review conducted by the Executive Committee**, to elaborate a World-wide Codex Standard and also decides which subsidiary body or other body should undertake the work. A decision to elaborate a World-wide Codex Standard may also be taken by subsidiary bodies of the Commission in accordance with the above mentioned **outcome**, subject to subsequent approval by the Commission at the earliest possible opportunity. In the case of Codex Regional Standards, the Commission shall base its decision on the proposal of the majority of Members belonging to a given region or group of countries submitted at a session of the Codex Alimentarius Commission.
- (2) The Secretariat arranges for the preparation of a proposed draft standard. In the case of Maximum Limits for Residues of Pesticides or Veterinary Drugs, the Secretariat distributes the recommendations for maximum limits, when available from the Joint Meetings of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues (JMPR), or the Joint FAO/WHO Expert Committee on Food Additives (JECFA). **Any other relevant information regarding risk assessment work conducted by FAO and WHO should also be made available.** In the cases of milk and milk products or individual standards for cheeses, the Secretariat distributes the recommendations of the International Dairy Federation (IDF).

- (3) The proposed draft standard is sent to Members of the Commission and interested international organizations for comment on all aspects including possible implications of the proposed draft standard for their economic interests.

Step 4

The comments received are sent by the Secretariat to the subsidiary body or other body concerned which has the power to consider such comments and to amend the proposed draft standard.

Step 5

The proposed draft standard is submitted through the Secretariat **to the Executive Committee for critical review and to the Commission** with a view to its adoption as a draft standard⁸. In taking any decision at this step, the Commission will give due consideration to **the outcome of the critical review and** to any comments that may be submitted by any of its Members regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests. In the case of Regional Standards, all Members of the Commission may present their comments, take part in the debate and propose amendments, but only the majority of the Members of the region or group of countries concerned attending the session can decide to amend or adopt the draft. In taking any decisions at this step, the Members of the region or group of countries concerned will give due consideration to any comments that may be submitted by any of the Members of the Commission regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests.

Step 6

The draft standard is sent by the Secretariat to all Members and interested international organizations for comment on all aspects, including possible implications of the draft standard for their economic interests.

Step 7

The comments received are sent by the Secretariat to the subsidiary body or other body concerned, which has the power to consider such comments and amend the draft standard.

Step 8

The draft standard is submitted through the Secretariat **to the Executive Committee for critical review and to the Commission**, together with any written proposals received from Members and interested international organizations for amendments at Step 8, with a view to its adoption as a Codex standard. In the case of Regional standards, all Members and interested international organizations may present their comments, take part in the debate and propose amendments but only the majority of Members of the region or group of countries concerned attending the session can decide to amend and adopt the draft.

PART 4: UNIFORM ACCELERATED PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS

Steps 1, 2 and 3

- (1) The Commission, on the basis of a two-thirds majority of votes cast, taking into account the **outcome of the critical review conducted by the Executive Committee**, shall identify those standards which shall be the subject of an accelerated elaboration process.⁹ The identification of such standards may also be made by subsidiary bodies of the Commission, on the basis of a two-thirds majority of votes cast, subject to confirmation at the earliest opportunity by the Commission.
- (2) The Secretariat arranges for the preparation of a proposed draft standard. In the case of Maximum Limits for Residues of Pesticides or Veterinary Drugs, the Secretariat distributes the recommendations for maximum limits, when available from the Joint Meetings of the FAO Panel of Experts on Pesticide

⁸ Without prejudice to **the outcome of the critical review conducted by the Executive Committee and/or** any decision that may be taken by the Commission at Step 5, the proposed draft standard may be sent by the Secretariat for government comments prior to its consideration at Step 5, when, in the opinion of the subsidiary body or other body concerned, the time between the relevant session of the Commission and the subsequent session of the subsidiary body or other body concerned requires such action in order to advance the work

⁹ Relevant considerations could include, but need not be limited to, matters concerning new scientific information; new technology(ies); urgent problems related to trade or public health; or the revision or updating of existing standards.

Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues (JMPR), or the Joint FAO/WHO Expert Committee on Food Additives (JECFA). **Any other relevant information regarding risk assessment work conducted by FAO and WHO should also be made available.** In the cases of milk and milk products or individual standards for cheeses, the Secretariat distributes the recommendations of the International Dairy Federation (IDF).

- (3) The proposed draft standard is sent to Members of the Commission and interested international organizations for comment on all aspects including possible implications of the proposed draft standard for their economic interests. When standards are subject to an accelerated procedure, this fact shall be notified to the Members of the Commission and the interested international organizations.

Step 4

The comments received are sent by the Secretariat to the subsidiary body or other body concerned which has the power to consider such comments and to amend the proposed draft standard.

Step 5

In the case of standards identified as being subject to an accelerated elaboration procedure, the draft standard is submitted through the Secretariat **to the Executive Committee for critical review and to the Commission**, together with any written proposals received from Members and interested international organizations for amendments, with a view to its adoption as a Codex standard. In taking any decision at this step, the Commission will give due consideration to any comments that may be submitted by any of its Members regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests.

GUIDE TO THE PROCEDURE FOR THE REVISION AND AMENDMENT OF CODEX STANDARDS

1. Proposals for the amendment or revision of Codex standards should be submitted to the Commission's Secretariat in good time (not less than three months) before the session of the Commission at which they are to be considered. The proposer of an amendment should indicate the reasons for the proposed amendment and should also state whether the proposed amendment had been previously submitted to and considered by the Codex committee concerned and/or the Commission. If the proposed amendment has already been considered by the Codex committee and/or Commission, the outcome of the consideration of the proposed amendment should be stated.
2. Taking into account such information regarding the proposed amendment, as may be supplied in accordance with paragraph 1 above, **and the outcome of the on-going critical review conducted by the Executive Committee**, the Commission will decide whether the amendment or revision of a standard is necessary. If the Commission decides in the affirmative, and the proposer of the amendment is other than a Codex committee, the proposed amendment will be referred for consideration to the appropriate Codex committee, if such committee is still in existence. If such committee is not in existence, the Commission will determine how best to deal with the proposed amendment. If the proposer of the amendment is a Codex committee, it would be open to the Commission to decide that the proposed amendment be circulated to governments for comments prior to further consideration by the sponsoring Codex Committee. In the case of an amendment proposed by a Codex Committee, it will also be open to the Commission to adopt the amendment at Step 5 or Step 8 as appropriate, where in its opinion the amendment is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by it at Step 8.
3. The procedure for amending or revising a Codex standard would be as laid down in paragraphs **5** and **6** of the Introduction to the Procedure for the Elaboration of Codex Standards (see page .. above).
4. When the Commission has decided to amend or revise a standard, the unrevised standard will remain the applicable Codex standard until the revised standard has been adopted by the Commission.

DRAFT CRITERIA FOR THE APPOINTMENT OF CHAIRPERSONS

By virtue of Article 7 of its Statutes, the Commission may establish such subsidiary bodies as it deems necessary for the accomplishment of its task.

The Member countries who shall be designated, under Rule X.10¹⁰, as responsible for appointing Chairpersons of subsidiary bodies established under Rule X.1(b)(i) and Rule X.1(b)(ii), shall retain the right to appoint a chairperson of their choice.

The following criteria may be considered during the selection of the appointee:

- to be a national of the member country responsible for appointing the chairperson of the Committee;
- to have a general knowledge in the fields of the subsidiary body concerned and to be able to understand and analyse technical issues;
- insofar as possible, to be able to serve in a continuing capacity;
- to be familiar with the system of Codex and its rules, and to have experience in the work of relevant international, governmental or non-governmental organizations;
- to be able to communicate clearly both orally and in writing in one of the working languages of the Commission;
- to have demonstrated ability in chairing meetings with objectivity and impartiality, and in facilitating consensus building;
- to exercise tact and sensitivity to issues of particular importance to members of the Commission;
- not to engage and/or not to have engaged in activities which could give rise to a conflict of interest on any item on the agenda of the Committee.

¹⁰

DRAFT GUIDELINES TO HOST GOVERNMENTS OF CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES***INTRODUCTION***

By virtue of Article 7 of the Statutes of the Codex Alimentarius Commission and Rule X.1(b)¹¹ of its Rules of Procedure, the Commission has established a number of Codex Committees and *ad hoc* Intergovernmental Task Forces to prepare standards in accordance with the Procedure for the Elaboration of Codex Standards and Coordinating Committees to exercise general coordination of its work in specific regions or groups of countries. The Rules of Procedure of the Commission shall apply, *mutatis mutandis*, to Codex Committees, Coordinating Committees and *ad hoc* Intergovernmental Task Forces. The Guidelines applying to Codex Committees, as described in this Section, apply also to Coordinating Committees and to Codex *ad hoc* Intergovernmental Task Forces.

COMPOSITION OF CODEX COMMITTEES**MEMBERSHIP**

Membership of Codex Committees is open to Members of the Commission who have notified the Director-General of FAO or WHO of their desire to be considered as members thereof or to selected members designated by the Commission. Membership of Regional Coordinating Committees is open only to Members of the Commission belonging to the region or group of countries concerned.

OBSERVERS

Any other Member of the Commission or any Member or Associate Member of FAO or WHO which has not become a Member of the Commission may participate as an observer at any Codex Committee if it has notified the Director-General of FAO or WHO of its wish to do so. Such countries may participate fully in the discussions of the Committee and shall be provided with the same opportunities as other Members to express their point of view (including the submission of memoranda), but without the right to vote or to move motions either of substance or of procedure. International organizations which have formal relations with either FAO or WHO should also be invited to attend in an observer capacity sessions of those Codex Committees which are of interest to them.

ORGANIZATION AND DUTIES**CHAIRPERSON**

The Codex Alimentarius Commission will designate a member country of the Commission, which has indicated its willingness to accept financial and all other responsibility, as having responsibility for appointing a chairperson of the Committee. The member country concerned is responsible for appointing the chairperson of the Committee from among its own nationals. Should this person for any reason be unable to take the chair, the member country concerned shall designate another person to perform the functions of the chairperson for as long as the chairperson is unable to do so. A Committee may appoint at any session one or more rapporteurs from among the delegates present.

¹¹ 13th Edition of the Procedural Manual

SECRETARIAT

A member country to which a Codex Committee has been assigned is responsible for providing all conference services including the secretariat. The secretariat should have adequate administrative support staff able to work easily in the languages used at the session and should have at its disposal adequate word processing and document reproducing equipment. Interpretation, preferably simultaneous, should be provided from and into all languages used at the session, and if the report of the session is to be adopted in more than one of the working languages of the Committee, then the services of a translator should be available. The Committee secretariat and the Joint FAO/WHO (Codex) Secretariat are charged with the preparation of the draft report in consultation with the rapporteurs, if any.

DUTIES AND TERMS OF REFERENCE

The duties of a Codex Committee shall include:

- (a) the drawing up of a list of priorities as appropriate, among the subjects and products within its terms of reference,
- (b) consideration of the types of safety and quality elements (or recommendations) to be covered, whether in standards for general application or in reference to specific food products,
- (c) consideration of the types of product to be covered by standards, e.g., whether materials for further processing into food should be covered,
- (d) preparation of draft Codex standards within its terms of reference,
- (e) reporting to each session of the Commission on the progress of its work and, where necessary, on any difficulties caused by its terms of reference, together with suggestions for their amendment.
- (f) the review and, as necessary, revision of existing standards and related texts on a scheduled, periodic basis to ensure that the standards and related texts within its terms of reference are consistent with current scientific knowledge and other relevant information.

SESSIONS

DATE AND PLACE

A member country to which a Codex Committee has been assigned is consulted by the Directors-general of FAO and WHO before they determine when and where a session of this Committee shall be convened.

The member country should consider arrangements for holding Codex sessions in developing countries.

INVITATIONS AND PROVISIONAL AGENDA

Sessions of Codex Committees and Coordinating Committees will be convened by the Directors-General of FAO and WHO in consultation with the chairperson of the respective Codex Committee. The letter of invitation and provisional agenda shall be prepared by the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Rome, in consultation with the chairperson of the Committee for issue by the Directors-General to all Members and Associate Members of FAO and WHO or, in the case of Coordinating Committees, to the countries of the region or group of countries concerned, Codex Contact Points and interested international organizations in accordance with the official mailing lists of FAO and WHO. Chairpersons should, before finalizing the drafts, inform and consult with the national Codex Contact Point where one has been established, and, if necessary, obtain clearance from the national authorities concerned (Ministry of Foreign Affairs, Ministry of Agriculture, Ministry of Health, or as the case may be). The invitation and Provisional Agenda will be translated and distributed by FAO/WHO in the working languages of the Commission at least four months before the date of the meeting.

Invitations should include the following:

- (a) title of the Codex Committee,
- (b) time and date of opening and date of closing of the session,
- (c) place of the session,

- (d) languages to be used and arrangements for interpretation, i.e., whether simultaneous or not,
- (e) if appropriate, information on hotel accommodation,
- (f) request for the names of the chief delegate and other members of the delegation, and for information on whether the chief delegate of a government will be attending as a representative or in the capacity of an observer.

Replies to invitations will normally be requested to be sent to reach the chairperson as early as possible and in any case not less than 30 days before the session. A copy should be sent also to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Rome. It is of the utmost importance that by the date requested a reply to invitations should be sent by all those governments and international organizations which intend to participate. The reply should specify the number of copies and the language of the documents required.

The Provisional Agenda should state the time, date and place of the meeting and should include the following items:

- (a) adoption of the agenda,
- (b) if considered necessary, election of rapporteurs,
- (c) items relating to subject matter to be discussed, including, where appropriate, the step in the Commission's Procedure for the Elaboration of Standards at which the item is being dealt with at the session. There should also be reference to the Committee papers relevant to the item,
- (d) any other business,
- (e) consideration of date and place of next session,
- (f) adoption of draft report.

The work of the Committee and the length of the meeting should be so arranged as to leave sufficient time at the end of the session for a report of the Committee's transactions to be agreed.

ORGANIZATION OF WORK

A Codex or Coordinating Committee may assign specific tasks to countries, groups of countries or to international organizations represented at meetings of the Committee and may ask member countries and international organizations for views on specific points.

Ad hoc working groups established to accomplish specific tasks shall be disbanded once the tasks have been accomplished as determined by the Committee.

A Codex or Coordinating Committee may not set up standing sub-committees, whether open to all Members of the Commission or not, without the specific approval of the Commission.

PREPARATION AND DISTRIBUTION OF PAPERS

Papers for a session should be sent by the chairperson of the Codex Committee concerned at least two months before the opening of the session to the following:

- (i) all Codex Contact Points,
- (ii) chief delegates of member countries, of observer countries and of international organizations, and
- (iii) other participants on the basis of replies received. Twenty copies of all papers in each of the languages used in the Committee concerned should be sent to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Rome.

Papers for a session prepared by participants must be drafted in one of the working languages of the Commission, which should, if possible, be one of the languages used in the Codex Committee concerned. These papers should be sent to the chairperson of the Committee, with a copy to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Rome, in good time to be included in the distribution of papers for the session.

Documents circulated at a session of a Codex Committee other than draft documents prepared at the session and ultimately issued in a final form, should subsequently receive the same distribution as other papers prepared for the Committee.

Codex Contact Points will be responsible for ensuring that papers¹² are circulated to those concerned within their own country and for ensuring that all necessary action is taken by the date specified.

Consecutive reference numbers in suitable series should be assigned to all documents of Codex Committees. The reference number should appear at the top right-hand corner of the first page together with a statement of the language in which the document was prepared and the date of its preparation. A clear statement should be made of the provenance (origin or author country) of the paper immediately under the title. The text should be divided into numbered paragraphs. At the end of these guidelines is a series of references for Codex documents adopted by the Codex Alimentarius Commission for its own sessions and those of its subsidiary bodies.

Members of the Codex Committees should advise the Committee chairperson through their Codex Contact Point of the number of copies of documents normally required.

Working papers of Codex Committees may be circulated freely to all those assisting a delegation in preparing for the business of the Committee; they should not, however, be published. There is, however, no objection to the publication of reports of the meetings of Committees or of completed draft standards.

¹² See Uniform System of References for Codex Documents – p. 86 of the Procedural Manual.

DRAFT GUIDELINES ON THE CONDUCT OF MEETINGS OF CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES***INTRODUCTION***

By virtue of Article 7 of the Statutes of the Codex Alimentarius Commission and Rule X.1(b)¹³ of its Rules of Procedure, the Commission has established a number of Codex Committees and *ad hoc* Intergovernmental Task Forces to prepare standards in accordance with the Procedure for the Elaboration of Codex Standards and Coordinating Committees to exercise general coordination of its work in specific regions or groups of countries. The Rules of Procedure of the Commission shall apply, *mutatis mutandis*, to Codex Committees, Coordinating Committees and *ad hoc* Intergovernmental Task Forces. The Guidelines applying to the conduct of meetings of Codex Committees as described in this Section apply also to those of Coordinating Committees and to those of Codex *ad hoc* Intergovernmental Task Forces.

CONDUCT OF MEETINGS

Meetings of Codex and Coordinating Committees shall be held in public unless the Committee decides otherwise. Member countries responsible for Codex and Coordinating Committees shall decide who should open meetings on their behalf.

Meetings should be conducted in accordance with the Rules of Procedure of the *Codex Alimentarius* Commission.

Only the chief delegates of members, or of observer countries or of international organizations have the right to speak unless they authorize other members of their delegations to do so.

The representative of a regional economic integration organization shall provide the chairperson of the Committee, before the beginning of each session, with a written statement outlining where the competence lies between this organization and its members for each item, or subparts thereof, as appropriate, of the provisional agenda, pursuant to the Declaration of Competence submitted according to Rule II of the Rules of Procedure of the Codex Alimentarius Commission by this organization. In areas of shared ("mixed") competence between this organization and its members, this statement shall make clear which party has the voting right.

Delegations and delegations from observer countries who wish their opposition to a decision of the Committee to be recorded may do so, whether the decision has been taken by a vote or not, by asking for a statement of their position to be contained in the report of the Committee. This statement should not merely use a phrase such as: "The delegation of X reserved its position" but should make clear the extent of the delegation's opposition to a particular decision of the Committee and state whether they were simply opposed to the decision or wished for a further opportunity to consider the question.

REPORTS

In preparing reports, the following points shall be borne in mind:

- (a) decisions should be clearly stated; action taken in regard to economic impact statements should be fully recorded; all decisions on draft standards should be accompanied by an indication of the step in the Procedure that the standards have reached;
- (b) if action has to be taken before the next meeting of the Committee, the nature of the action, who is to take it and when the action must be completed should be clearly stated;
- (c) where matters require attention by other Codex Committees, this should be clearly stated;

¹³ 13th Edition of the Procedural Manual

- (d) if the report is of any length, summaries of points agreed and the action to be taken should be included at the end of the report, and in any case, a section should be included at the end of the report showing clearly in summary form:
- standards considered at the session and the steps they have reached;
 - standards at any step of the Procedure, the consideration of which has been postponed or which are held in abeyance and the steps which they have reached;
 - new standards proposed for consideration, the probable time of their consideration at Step 2 and the responsibility for drawing up the first draft.

The following appendices should be attached to the report:

- (a) list of participants with full postal addresses,
- (b) draft standards with an indication of the step in the Procedure which has been reached.

The Joint FAO/WHO Secretariat should ensure that, as soon as possible and in any event not later than one month after the end of the session, copies of the final report, as adopted in the languages of the Committee, are sent to all participants, and all Codex Contact Points.

DRAWING UP OF CODEX STANDARDS

A Codex Committee, in drawing up standards and related texts, should bear in mind the following:

- (a) the guidance given in the General Principles of the Codex Alimentarius;
- (b) that all standards and related texts should have a preface containing the following information:
 - the description of the standard or related text,
 - a brief description of the scope and purpose(s) of the standard or related text,
 - references including the step which the standard or related text has reached in the Commission's Procedures for the Elaboration of Standards, together with the date on which the draft was approved,
 - matters in the draft standard or related text requiring endorsement or action by other Codex Committees.
- (c) that for standards or any related text for a product which includes a number of sub-categories, the Committee should give preference to the development of a general standard or related text with specific provisions as necessary for sub-categories.

**DRAFT GUIDELINES TO CHAIRPERSONS OF CODEX COMMITTEES AND AD HOC
INTERGOVERNMENTAL TASK FORCES****INTRODUCTION**

By virtue of Article 7 of the Statutes of the Codex Alimentarius Commission and Rule X.1(b)¹⁴ of its Rules of Procedure, the Commission has established a number of Codex Committees and *ad hoc* Intergovernmental Task Forces to prepare standards in accordance with the Procedure for the Elaboration of Codex Standards and Coordinating Committees to exercise general coordination of its work in specific regions or groups of countries. The Rules of Procedure of the Commission shall apply, *mutatis mutandis*, to Codex Committees, Coordinating Committees and *ad hoc* Intergovernmental Task Forces. The Guidelines applying to the Chairpersons of Codex Committees as described in this Section apply also to those of Coordinating Committees and to those of Codex *ad hoc* Intergovernmental Task Forces.

DESIGNATION¹⁵

The Codex Alimentarius Commission will designate a member country of the Commission, which has indicated its willingness to accept financial and all other responsibility, as having responsibility for appointing a chairperson of the Committee. The member country concerned is responsible for appointing the chairperson of the Committee from among its own nationals. Should this person for any reason be unable to take the chair, the member country concerned shall designate another person to perform the functions of the chairperson for as long as the chairperson is unable to do so.

CONDUCT OF MEETINGS

The chairperson should invite observations from members of the Committee concerning the Provisional Agenda and in the light of such observations formally request the Committee to adopt the Provisional Agenda or the amended agenda.

Meetings should be conducted in accordance with the Rules of Procedure of the Codex Alimentarius Commission. Attention is particularly drawn to Rule VII.7 which reads: “The provisions of Rule XII of the General Rules of FAO shall apply *mutatis mutandis* to all matters which are not specifically dealt with under Rule VII of the present Rules.”

Rule XII of the General Rules of FAO, a copy of which will be supplied to all chairpersons of Codex and Coordinating Committees, gives full instructions on the procedures to be followed in dealing with voting, points of order, adjournment and suspension of meetings, adjournment and closure of discussions on a particular item, reconsideration of a subject already decided and the order in which amendments should be dealt with.

Chairpersons of Codex Committees should ensure that all questions are fully discussed, in particular statements concerning possible economic implications of standards under consideration at Steps 4 and 7.

Chairpersons should also ensure that the written comments, received in a timely manner, of members and observers not present at the session are considered by the Committee; that all issues are put clearly to the Committee. This can usually best be done by stating what appears to be the generally acceptable view and asking delegates whether they have any objection to its being adopted.

Chairpersons should use the statement submitted by the representatives of the regional economic integration organizations on the matters of respective competence between these organizations and their members in the

¹⁴ 13th Edition of the Procedural Manual

¹⁵ Should the CCGP agree on draft criteria for the selection of Chairpersons, the new text could be inserted in this section.

conduct of meetings, including assessing of the situation with regard to the party which has the right to vote.

CONSENSUS¹⁶

The chairpersons should always try to arrive at a consensus and should not ask the Committee to proceed to voting if agreement on the Committee's decision can be secured by consensus.

The *Procedure for the Elaboration of Codex Standards and Related Texts* allows for full discussion and exchange of views on the issue under consideration, in order to ensure the transparency of the process and arrive at compromises that would facilitate consensus.

Much of the responsibility for facilitating the achievement of consensus would lie in the hands of the Chairpersons.

When working out the means of progressing the work of a Committee, the chairperson should consider:

- (a) the need for timely progress in developing standards ;
- (b) the need to achieve consensus among the members as to the content of, and justification for, proposed standards;
- (c) the importance of achieving consensus at all stages of the elaboration of standards and that draft standards should, as a matter of principle, be submitted to the Commission for adoption only where consensus has been achieved at the technical level.

The chairperson should also consider implementing the following measures in order to facilitate consensus building in the elaboration of standards at the Committee stage:

- (a) ensuring that: (i) the scientific basis is well established on current data including, wherever possible, scientific data and intake and exposure information from the developing countries; (ii) where data from developing countries are not available, an explicit request for collecting and making available such data is made; and (iii) where necessary, further studies are carried out in order to clarify controversial issues;
- (b) ensuring that issues are thoroughly discussed at meetings of the Committees concerned;
- (c) organizing informal meetings of the parties concerned where disagreements arise, provided that the objectives of any such meetings are clearly defined by the Committee concerned and that participation is open to all interested delegations and observers in order to preserve transparency;
- (d) requesting the Commission, where possible, for a redefinition of the scope of the subject matter being considered for the elaboration of standards in order to cut out issues on which consensus cannot be reached;
- (e) ensuring that matters are not progressed from step to step until all relevant concerns are taken into account and adequate compromises worked out¹⁷;
- (f) facilitating increased involvement and participation of developing countries.

¹⁶ Reference is made to the *Measures to facilitate consensus* (Decision of the 26th Session of the Codex Alimentarius Commission (2003), 13th Edition of the Procedural Manual).

¹⁷ This does not preclude square bracketing of parts of a text in the early stages of the elaboration of a standard, where there is consensus on the large majority of the text.