

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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ORGANIZATION



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Agenda Item 2

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

FAO/WHO COORDINATING COMMITTEE FOR LATIN AMERICA AND THE CARIBBEAN

15th Session,
Mar del Plata, Argentina, 13 - 17 November 2006

MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND ITS SUBSIDIARY BODIES¹

MATTERS ARISING FROM THE 23RD SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES (FOR ACTION)

Terms of Reference of Regional Coordinating Committees²

1. The 28th session of the Commission had considered a proposal from the Coordinating Committee for Latin America and the Caribbean (CCLAC) to include in its terms of reference an additional bullet point: "To promote the adoption of regional positions on strategic subjects." The Commission had referred the proposed amendment and its possible extension to the other Coordinating Committees to the Committee on General Principles (CCGP) for further consideration.³

2. The 23rd Session of CCGP considered three options given in document CX/GP 06/23/2 Part I: (i) To endorse the amendment to the terms of reference of the CCLAC for adoption by the 29th Session of the Commission, in which case it would apply only to the CCLAC; (ii) To recommend to apply the same amendment to the terms of reference of all Coordinating Committees immediately; or (iii) To seek the advice of other Coordinating Committees as to whether it should be included in their own terms of reference and reconsider the whole question at the next session of the Committee in the light of their advice.

3. The Committee on General Principles decided to recommend to the CCLAC to practice the adoption of regional positions as appropriate while keeping their terms of reference unchanged. The CCLAC was invited to report on their experience to the 24th Session of the CCGP. All other Coordinating Committees *were invited to discuss the possible inclusion of the sentence proposed by the CCLAC into their terms of reference* and its possible implications and report their views to the CCGP. The 24th Session of the CCGP would consider this matter again in the light of the feedback from all Coordinating Committees.

4. **The Committee is invited to discuss the matter above and express their view as appropriate.**

¹ This document contains information on matters arising from the 28th and 29th Sessions of the Codex Alimentarius Commission that require specific action by FAO/WHO Coordinating Committees. The Codex Secretariat will report verbally on matters of horizontal nature as appropriate to the discussion of the Committee.

² ALINORM 06/29/33, paras 6-18.

³ ALINORM 05/28/41, para. 130.

Respective Roles of the Regional Coordinators and the Members of the Executive Committee Elected on a Geographical Basis⁴

5. The representative of the Legal Counsel of FAO introduced document CX/GP 06/23/5 Part II. He recalled that, at its 20th Session, the CCGP endorsed a proposal that a Circular Letter be sent seeking the views of the Members as to the respective roles of the Coordinators and the members elected on a geographic basis in the Executive Committee. The Coordinating Committees expressed a range of views which were referred to the Commission at its 28th Session, on the basis of which the Commission recognized that there was a need for clarification of the respective roles of the Coordinators and the members elected on a geographic basis, given the new status of the Coordinators as members of the Executive Committee.

6. In this connection, document CX/GP 06/23/5 Part II recalled that the issue was not entirely new as it had been the subject of past debate within the Committee. In 1992 the Committee had expressed the view that while elected on a geographic basis, the members of the Executive Committee, once elected, were expected to ensure that the general concerns and interests of the region were reflected in the Executive Committee decisions and not to present the views of the countries of their region, and that the Coordinators were better placed to be able to ascertain the views of the countries of their region.

7. In the document, the Legal Offices of FAO and WHO put forward two observations of a legal nature. First, the primary function of the members elected on a geographic basis within the Executive Committee should continue to be to represent the interests of the Commission as a whole, while the Coordinators were expected to represent the interest of the concerned regions or group of countries. Second, the issue was linked to that of the composition of delegations to the Executive Committee. Insofar as except for the Chairperson or Vice-Chairpersons, all other members of the Executive Committee are countries, i.e. Members, not individuals, from a legal point of view there would be no impediment to the delegations including as many individuals as designated by the Member. However, this was obviously subject to such working arrangements intended to facilitate the efficient functioning of the Executive Committee as the Commission may establish.

8. In addition, the Committee agreed to re-examine the item of the respective roles of the Coordinators and the members of the Executive Committee elected on a geographic basis, at its forthcoming session. Meanwhile, the Committee *invited delegations to continue to examine the issue*, including as appropriate in the framework of the Coordinating Committees, so that a consensus position on the matter could be reached at its forthcoming session.

9. **The Committee is invited to examine this issue and express their view as appropriate.**

⁴ ALINORM 06/29/33, paras 97-105.