

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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Agenda Item 6b

CX/GP 03/19/6-Add.1

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON GENERAL PRINCIPLES
Nineteenth (Extraordinary) Session
Paris, France, 17 - 21 November 2003**

**REVIEW OF THE GUIDELINES FOR CODEX COMMITTEES
CONDUCT OF MEETINGS**

(Prepared by the French Secretariat)

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SECTION 3	Recommendations to the 19th session of the Codex Committee on General Principles Separation of advice to Host Governments and advice on the conduct of meetings The current Guidelines has been split into three texts : the first addresses matters to be taken into account by host countries, planning a session of a Codex subsidiary body ; the second is addressed to members and observers attending a session; the third is specifically meant for Chairperson of Codex subsidiary bodies. These new texts are intended to replace the existing guidelines. ¹
SECTION 4	Draft Guidelines on the conduct of meetings of <i>Codex</i> Committees and <i>ad hoc</i> Intergovernmental Task Forces
SECTION 5	Draft Guidelines to Chairpersons of Codex Committees and <i>ad hoc</i> Intergovernmental Task Forces

¹ The rest of the current text has been used in developing the draft guideline in document CX/GP 03/19/6.

Decisions agreed upon at the 26th session of the *Codex alimentarius* Commission (July 2003)

Proposal	31
Codex Document	ALINORM 03/26/11 - Add. 4
Background	<p><i>Separation of advice to Host Governments and advice on the conduct of meetings - To develop two separate texts dealing with these matters separately</i></p> <p>179. It was noted that the advice on the conduct of meetings should include advice to Chairpersons on the participation of Regional Economic Integration Organizations. In addition, the value of consulting with the Chairpersons of committees and task forces in the preparation of this advice was recognized. The Commission recommended that the advice to host governments should include arrangements for holding Codex sessions in developing countries. Some delegations considered vice-chairing² arrangements should be considered as an alternative to co-chairmanship, although this was not accepted by other delegations.</p>

Proposal	36
Codex Document	ALINORM 03/26/11 - Add. 4
Background	<p><i>Conduct of meetings: Country groupings³ - To consider how the opinions of groups of countries, especially smaller developing countries unable to be represented fully at Codex meetings, could best be taken into account.</i></p> <p>180. The Commission asked the Committee on General Principles to examine this issue by 2006⁴.</p>

Proposal	35
Codex Document	ALINORM 03/26/11 - Add. 4
Background	<p><i>Conduct of meetings: Reports⁵ : To implement the procedural review to take into account the opinions of the countries that have commented on this matter</i></p> <p>178. The Commission agreed in principle to all of the proposals⁶ and referred the work to the Committee on General Principles, requesting it to develop appropriate guidelines.</p>

² The basis for such an arrangement already exists in the Rules of Procedures : " IX. 10 - *All other officers of subsidiary bodies [i.e. except the chair designated by the host government] shall be elected by the body concerned and shall be eligible for re-election.*" Rule IX. 11 may cover adequately the issues raised by an election of officers by a subsidiary body.

³ See RULE II.4. (a) "*The Commission may appoint a Coordinator from among the Members of the Commission for any of the geographic locations enumerated in Rule III.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.*"

⁴ ALINORM 99/33 - para. 32 : "*It was pointed out that small island countries had very particular problems requiring special consideration.*" In a discussion about the socio-economic situation of developing countries and the implications of Codex standards on commercial considerations and trade, not on the ability to participate fully in Codex work.

⁵ See Rule VIII (Records & Reports) - *"1. At each session the Commission shall approve a report embodying its views, recommendations and conclusions, including when requested a statement of minority views. Such other records for its own use as the Commission may on occasion decide shall also be maintained."*

⁶ prop. 31, 33, 34, 35.

Recommendations to the 19th session of the Codex Committee on General Principles

SECTION 4	Draft Guidelines on the conduct of meetings of <i>Codex</i> Committees and <i>ad hoc</i> Intergovernmental Task Forces Conduct of meetings: Reports (prop. 35) The Committee is invited to consider the draft Guidelines.
SECTION 5	Draft Guidelines to Chairpersons of Codex Committees and <i>ad hoc</i> Intergovernmental Task Forces The Committee is invited to consider the draft Guidelines. Conduct of meetings: Country groupings (prop. 36) The Committee is invited to discuss this matter on the basis of the written comments received in response to circular letter CL 2003/8 - CAC.

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 IX.1(b) 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 Regional 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 member countries, or of observer countries or of international organizations have the right to speak unless they authorize other members of their delegations to do so.⁷

The representative of a Regional Economic integration organization shall provide the Chair person 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 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 where the competence predominantly lies.

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

⁷ This wording should be changed if the proposal n° 27 in ALINORM 03/26/11 - Add. 4 is agreed upon.

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;
- (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, 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 IX.1(b) 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 Regional Coordinating Committees and to those of Codex *ad hoc* Intergovernmental Task Forces.**

DESIGNATION⁸

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 VI.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 VI 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

⁸ Should the CCGP agree on draft criteria for the selection of Chairperson, the new text could be inserted in this section.

consideration at Steps 4 and 7.

Chairpersons should also ensure that the written comments of members 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, to assess the situation.

*CONSENSUS*⁹

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 allow 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 expediting the work of a Committee, the Chairperson should consider :

- (a) the need for speedy action in setting standards ;
- (b) the need to achieve consensus among the countries as to the content of, and justification for, proposed standards, which may, in turn, require that a more deliberate approach be taken to the elaboration of those 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 a large measure of consensus has been reached.

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

- (a) ensuring that the scientific basis is well established on current data, including, wherever possible, scientific data and intake and exposure information from the developing countries ;and where necessary carry out further studies 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 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 out;

⁹ See CX/GP 00/5 - para. 4-8 ; ALINORM 01/33 - para. 67-69.

- (f) emphasizing to Committees that matters should not be passed on to the Commission until such time as consensus has been achieved at the technical level.