

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

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ORGANIZATION



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Agenda Item 7

CX/GP 03/19/7

JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON GENERAL PRINCIPLES

Nineteenth (Extraordinary) Session
Paris, France, 17 - 21 November 2003

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

(Prepared by the French Secretariat)

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

Proposal 19

Codex Document ALINORM 03/26/11 - Add. 3

Background

At any time in the process of elaboration of standards, a Codex Committee or the body responsible for standards management¹, should have the ability to appoint a facilitator to help parties to reach consensus. The role of the facilitator would be to consult among members and to develop re-drafts for further consideration by committees. A main part of the function of facilitators would be to understand dissenting views, including all written comments, and facilitate the development of consensus. This could have very positive benefits both in terms of ensuring greater inclusiveness and in speeding up work, provided facilitators have the clear function of consulting members widely. Facilitators should report to the Committee entrusted with development of the draft standard. The facilitator's report should explicitly show how the written comments received on draft standards have been addressed

167. The Commission agreed in principle to all three proposals² but **decided** that the modalities would require clarification by the body responsible for reviewing the Procedural Manual³.

Proposal 20

¹ See Article 10 of the Statutes & Rule XI.3 about costs issues of subsidiary bodies : "3. *The operating costs of subsidiary bodies established under Rule IX.1(b)(i) (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.*"

² Proposal No. 19 (Use of facilitators), Proposal No. 20 (Establishment of electronic working groups), Proposal No. 21 (Establishment of physical working groups)

³ i.e. the CCGP (cf.. § 169 -- ALINORM 03/41)

Codex Document ALINORM 03/26/11 - Add. 3

Background

Codex Committees, when deciding to undertake work between sessions, should give the first priority to the establishment of electronic working groups to be coordinated by the Host Government Secretariat. Such working groups should be open to all members of the Commission and interested international organizations as observers providing comments. The terms of reference and the expected output of the Working Group should be explicitly stated. Such working groups should be disbanded once their specific task has been achieved.

167. The Commission agreed in principle to all three proposals⁴ but **decided** that the modalities would require clarification by the body responsible for reviewing the Procedural Manual⁵.

Proposal 21

Codex Document ALINORM 03/26/11 - Add. 3

Background

If Codex Committees decide to undertake work between sessions by means of physical working groups, such working groups should be representative of the membership of the Commission. It is therefore proposed that the membership of such working groups be limited to two or three members from each of the Commission's regions. Interested international organizations may be invited to participate as observers, provided that the number of observers does not exceed one half the number of countries participating as members. The composition of the working group should be explicitly defined, as should its terms of reference and the expected output. Such working groups should be disbanded once their specific task has been achieved.

167. The Commission agreed in principle to all three proposals⁶ but **decided** that the modalities would require clarification by the body responsible for reviewing the Procedural Manual⁷. With respect to electronic working groups, the Commission noted that these were an avenue for exchanging views and not for decision making. Physical working groups should be ad hoc, open to all members, take account the problems of developing country participation and only be established where there is consensus in the Committee to do so and other strategies have been considered.

Proposal 32

⁴ Proposal No. 19 (Use of facilitators), Proposal No.20 (Establishment of electronic working groups), Proposal No.21(Establishment of physical working groups)

⁵ i.e. the CCGP (cf.. § 169 -- ALINORM 03/41)

⁶ Proposal No. 19 (Use of facilitators), Proposal No.20 (Establishment of electronic working groups), Proposal No.21(Establishment of physical working groups).

⁷ i.e. the CCGP (cf.. § 169 -- ALINORM 03/41).

Background⁸

Cochairmanship - To develop guidelines for the co-chairing of Codex Committees and Task Forces, including the cost implications

178. The Commission **agreed in principle** to all of the proposals⁹ except Proposal 32 and referred the work to the Committee on General Principles, requesting it to develop appropriate guidelines and explore further the question of co-chairpersons¹⁰

179. (...) The Commission recommended that the advice to host governments should include arrangements for holding Codex sessions in developing countries. Some delegations considered vice-chairing arrangements¹¹ should be considered as an alternative to co-chairmanship, although this was not accepted by other delegations.

⁸ See Rules of procedure II (Officers) & IX.10 (Subsidiary bodies) & Guidelines for Codex Committees and ad hoc intergovernmental Task Forces - Organization & duties - Chair" (p. 47).

⁹ prop. 31, 33, 34, 35.

¹⁰ Rule II.1 (Officers) – "*The Commission shall elect a Chairperson and three Vice-Chairpersons from among the representatives, alternates and advisers ...*" – applies *mutatis mutandis* to subsidiary bodies and does not provide for the designation of co-chairs. Furthermore, the current "*Guidelines for Codex Committees and ad hoc intergovernmental Task Forces - Organization & duties - Chair*" (p. 47)" where "*the [host] member country is responsible for appointing the chairperson of the Committee from among its own nationals*", would prevent the designation of co-chairs by the country chairing a Committee.

¹¹ 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. Rule II.2 (Officers) – *A vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson* – shall apply *mutatis mutandis* to vice-Chairpersons of subsidiary bodies.

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

Cochairmanship

A discussion on principles should take place before detailed guidelines could be drafted.

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

Facilitators

The last CAC agreed to adopt an "experimental" approach and this appears to preclude the establishment of detailed rules at this stage.

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

SECTION 4 Draft guidelines on electronic working groups

The Committee is invited to consider the draft Guidelines.

SECTION 5 Draft guidelines on physical working groups

The Committee is invited to consider the draft Guidelines.

DRAFT GUIDELINES ON ELECTRONIC WORKING GROUPS

INTRODUCTION

The Guidelines applying to Codex Committees, as described in this Section, apply also to **Regional Coordinating Committees** and to Codex *ad hoc* Intergovernmental Task Forces.

The search for world-wide consensus and for greater acceptability of Codex Standards requires the active participation of developing countries. Special efforts are needed to enhance the participation of developing countries in Codex Committees, by increased use of written communications, especially through remote participation via email, internet and other modern technologies, in the work done between sessions of Committees.

Codex Committees, when deciding to undertake work between sessions, should give the first priority to the establishment of electronic working groups.

COMPOSITION OF ELECTRONIC WORKING GROUPS

MEMBERSHIP

Membership of an electronic working group is open to all Members of the Commission who have notified **the chairperson of the Codex Committee** of their desire to be considered as members thereof.

Any other Member of the Commission, from outside the region concerned, may participate at any electronic working group, established by a Regional Coordinating Committee.

OBSERVERS

Any international organization, if it has been granted "observer status" by the Director-General of FAO or WHO, or if it has established formal relations with either FAO or WHO, after having notified **the Chairperson of the Committee** of its wish to participate, may do so. It shall be provided with the same opportunities as other Members to express their point of view.

ORGANIZATION AND DUTIES

Codex Committees may decide that the electronic working group will be coordinated by the Host Government Secretariat, or by another member of the Commission, having volunteered to undertake this responsibility and having been accepted by the Committee (hereinafter "the coordinator").

MANAGEMENT

The coordinator is responsible for the management of the electronic working group for

which it has been appointed.

The business of an electronic working group is transacted exclusively by electronic means.

SECRETARIAT

The coordinator is responsible for providing all services needed for the functioning of the electronic working group. The coordinator should have adequate administrative support staff able to work easily in the language(s) used by the electronic working group and should have at its disposal adequate word processing and IT equipment, to meet the requirements agreed upon by the Committee. If the business of the electronic working group is conducted in more than one of the working languages of the Committee, then the services of a translator should be available.

DUTIES AND TERMS OF REFERENCE

Electronic working group shall be established to accomplish specific tasks and shall be disbanded once the tasks have been accomplished as determined by the Committee.

The terms of reference of the electronic working group shall be limited to the immediate task at hand and normally shall not be subsequently modified.

The terms of reference shall clearly state the objective(s) to be achieved by the establishment of the electronic working group.

The terms of reference shall clearly state the time frame by which the work is expected to be completed.

The electronic working group shall be dissolved after the specified work has been completed or when the time limit allocated for the work has expired or at any other point in time, if the Codex Committee which has established it, so decides.

The coordinator shall report on the progress of its work at each session of the Codex Committee which has established it.

No decision, no vote either on point of substance or of procedure, shall take place in electronic working groups.

CONDUCT OF BUSINESS

Circulation of drafts and calls for comments shall include the following :

- title of the electronic working group,
- time limit for answers.
- language(s) to be used,
- request for the names, positions and e-mail addresses of all the persons willing to contribute to the business of the electronic working group.

ORGANIZATION OF WORK

All members and observers, who have expressed their willingness to participate in an elec-

tronic working group, should be encouraged to send comments by electronic means. These submissions shall be circulated to all concerned by the coordinator.

The circulation of these materials and the schedule set for answers should allow sufficient time to allow full consideration of the electronic working groups' material by the participants.

A participant should be made aware of the materials contributed by all others.

PREPARATION AND DISTRIBUTION OF MATERIALS

Materials, submitted 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 electronic working group concerned. **These materials should be sent to the coordinator**, with a copy to the **Secretary, Codex Alimentarius Commission, FAO, Rome**, in good time.

The coordinator is responsible for the distribution of all the materials submitted by a participant during the business of the electronic working group to all other participants of the electronic working group.

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

A clear statement should be made of the provenance (origin or author country) of the **materials** immediately under the title. The text should be divided into numbered paragraphs.

Materials from electronic working groups may be circulated freely to all those assisting a delegation in preparing for the business of the **electronic working group** ; they should not, however, be published.

The conclusions of an **electronic working group** shall be distributed to all members of the Committee and observers in time to allow full consideration of the electronic working group's recommendations.

As soon as possible after the end of the business of an **electronic working group**, the coordinator should send copies of the final conclusions to all Codex Contact Points and to all the participants of the **electronic working group**. The Joint FAO/WHO Secretariat should ensure that these conclusions are included in the distribution of papers for the next session of the Codex Committee.

The proposals/recommendations of an **electronic working group** shall be presented to the Committee for consideration. They shall not be binding on the Committee.

DRAFT GUIDELINES ON PHYSICAL WORKING GROUPS

INTRODUCTION

The Guidelines applying to **physical working groups** (hereinafter, "working groups") established by Codex Committees as described in this Section apply also to those established by **Regional Coordinating Committees** and by Codex *ad hoc* Intergovernmental Task Forces.

Working groups should be *ad hoc*, open to all members, take into account the problems of developing country participation and only be established where there is consensus in the Committee to do so and other strategies have been considered.

COMPOSITION OF WORKING GROUPS

MEMBERSHIP

Membership of a working group is open to all Members of the Commission who have notified **the chairperson of the Codex Committee** of their desire to be considered as members thereof.

Membership of a working group, established by a Regional Coordinating Committees, is open only to Members of the Commission belonging to the region or group of countries concerned.

When establishing a working group, a Committee should ensure, as far as possible, that the membership is representative of the membership of the Commission

OBSERVERS

Any international organization, if it has been granted "observer status" by the Director-General of FAO or WHO, or if it has established formal relations with either FAO or WHO, after having notified **the Chairperson of the Committee** of its wish to participate, may do so. It shall be provided with the same opportunities as other Members to express their point of view (including the submission of memoranda).

Any other Member of the Commission, from outside the region concerned, may participate as an observer at any working group, established by a Regional Coordinating Committee.

ORGANIZATION AND DUTIES

Codex Committees may decide that the working groups will be coordinated by the Host Government Secretariat, or by another member of the Commission, having volunteered to undertake this responsibility and having been accepted by the Committee (hereinafter "the coordinator").

CHAIR

The coordinator is responsible for appointing the chairperson of the working group.

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 working group may appoint at any session one or more rapporteurs from among the delegates present.

SECRETARIAT

The coordinator is responsible for providing all conference services including the secretariat, for the working group.

The secretariat should have adequate administrative support staff able to work easily in the language(s) used at the session and should have at its disposal adequate word processing and document reproducing equipment, **to meet the requirements agreed upon by the Committee, when the working group was established.** If required, 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 Coordinator secretariat and the Joint FAO/WHO (Codex) Secretariat, if attending the session, are charged with the preparation of the draft report in consultation with the rapporteurs, if any.

DUTIES AND TERMS OF REFERENCE

The terms of reference of the working group shall be limited to the immediate task at hand and normally shall not be subsequently modified.

The terms of reference shall clearly state the objective(s) to be achieved by the establishment of the working group.

The terms of reference shall clearly state the time frame by which the work is expected to be completed.

The working group shall be dissolved after the specified work has been completed or when the time limit allocated for the work has expired or at any other point in time, if the Codex Committee which has established it, so decides.

The working group shall report on the progress of its work at the next session of the Committee, which has established it.

A session of a working group may be held at any time, in-between two sessions, immediately before or even during the session of the Committee, which has established it. When convened in-between two sessions of the Committee, the session of the working group should be scheduled as to allow the working group to report to the Committee well in advance of the next meeting so that countries and other interested parties that were not members of the working group can comment on the proposals that the working group might put to the Committee.

No decision, no vote either on point of substance or of procedure, shall take place in working groups.

The proposals/recommendations of a working group shall be presented to the Committee for consideration. They shall not be binding on 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.

SESSIONS

INVITATIONS AND PROVISIONAL AGENDA

Sessions of a working group shall be convened by the Chairperson designated by the Coordinator.

The letter of invitation and provisional agenda shall be prepared by the Codex Contact Point, where one has been established, in consultation with the chairperson of the working group for issue to all Members and observers who have expressed the willingness to attend the meeting. Chairpersons should, before finalising the drafts, 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 Codex Contact Point in the working language(s), to be used in the session of the working group, at least four months before the date of the meeting.

Invitations should include the following:

- (a) title of **the working group**,
- (b) time and date of opening and date of closing of the session,
- (c) place of the session,
- (d) language(s) to be used and, if provided for, 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**, 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 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 last session of the Codex Committee. There should also be reference to the Committee papers relevant to the item.
- (d) any other business,
- (e) adoption of draft report.

The work of the **working group** 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 working group's transactions to be agreed.

ORGANIZATION OF WORK

All members and observers, **who have expressed their willingness to participate in the working group**, should be encouraged to send written comments well in advance of the meeting. These written comments will be circulated to all concerned **by the secretariat of the Coordinator**.

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

Reports of *ad hoc* working groups shall be distributed to all members of the Committee and observers in time to allow full consideration of the working group's recommendations.

PREPARATION AND DISTRIBUTION OF PAPERS

Papers for a session should be sent by the **secretariat of the Coordinator** 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, who have expressed an their willingness to participate, and
- (iii) other participants on the basis of replies received. A copy of all papers in each of the languages used in the Committee concerned should be sent to the **Secretary, Codex Alimentarius Commission, FAO, Rome**.

Paper for the session prepared by the 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 working group. These papers should be sent to **the secretariat of the Coordinator**, with a copy to **Secretary, Codex Alimentarius Commission, FAO, Rome**, in good time.

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

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.

Documents from **working groups** may be circulated freely to all those assisting a delegation in preparing for the business of the **working group** ; they should not, however, be published.

CONDUCT OF MEETINGS

Meetings of **working group** shall be held in public unless the Committee decides otherwise.

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.¹²

REPORTS

Reports of **working groups** shall be distributed to all members of the Committee and observers in time to allow full consideration of the working group's recommendations.

The Secretariat of the **Coordinator** should, as soon as possible after the end of the session of a working group, send copies of the final report, as adopted, to all and all Codex Contact Points, to all the participants of the working group. The Joint FAO/WHO Secretariat should ensure that this report is included in the distribution of papers for the next session of the Codex Committee.

¹² This wording should be changed if the proposal n° 27 is agreed upon. (see ALINORM 03/26/11 - Add. 4)