

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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Agenda Item 9

CX/GP 04/21/10

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

Twenty-first (Extraordinary) Session  
Paris, France, 8-12 November 2004

### CLARIFICATION OF THE DURATION OF THE TERM OF THE MEMBERS OF THE EXECUTIVE COMMITTEE

#### TERM OF OFFICE OF THE MEMBERS OF THE EXECUTIVE COMMITTEE

#### INTRODUCTION

1. At its 20<sup>th</sup> Session, held in Paris, from 3 to 7 May 2004, the Committee considered the issue of the duration of the term of the Members of the Executive Committee in the following terms.

*“125) The Committee recalled that these issues had been reviewed at its 19<sup>th</sup> session. The Secretariat clarified that according to Rule III.4(b) of the Rules of Procedure the duration of office of the Coordinators was decided by the Commission each time at their appointment, in terms of the number of regular sessions of the Commission, taking into account the meeting schedules of Coordinating Committees and the Commission. The terms of the present Coordinators appointed by the 26<sup>th</sup> Session of the Commission would be until the end of the 28<sup>th</sup> Session of the Commission scheduled in 2005 (i.e. a period of two years).*

*126) The Delegation of the United States noted that the term of the Chairperson and Vice-Chairpersons was from the end of the session at which they were elected until the end of the second succeeding regular session of the Commission. The Delegation wondered whether the different lengths of terms should be put into alignment and whether the duration of the term could be expressed in the number of years rather than number of sessions of the Commission.*

*127) The Committee agreed to request the Codex Secretariat in cooperation with the Legal Counsels of FAO and WHO to prepare a discussion paper for the 21<sup>st</sup> Session of the Committee to clarify the current rules of the Commission and relevant practices in the parent organizations”*

2. This document describes the relevant rules applicable to the terms of the various members of the Executive Committee, i.e. the Chairpersons and Vice-Chairpersons, the “*members elected on a geographical basis*” (in the practice of Codex these members are referred to as “*regional representatives*”) and the Coordinators and puts forward a few relevant practical and legal considerations which the Members may wish to keep in mind when reviewing the matter, which is primarily one for decision by the Commission.

## TERM OF OFFICE OF THE MEMBERS OF THE EXECUTIVE COMMITTEE

3. At present, the Executive Committee consists of the Chairperson, three Vice-Chairpersons, together with seven further members elected by the Commission at regular sessions. The latter are elected by the Commission 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. Under the Rules of Procedure, as they stand at present, Coordinators are not members of the Executive Committee, but, in order to carry out their functions, they participate in the Executive Committee as observers. There are six coordinators, one in respect of each of the above regions, except that North America and the South-West Pacific share one coordinator.

4. The Codex Alimentarius Commission, at its 26<sup>th</sup> Session in 2003, endorsed various recommendations made by the Joint FAO/WHO Evaluation of the Codex Alimentarius and other FAO and WHO work on food standards, including a recommendation whereby Coordinators should become members of the Executive Committee. At its 19<sup>th</sup> (extraordinary) Session, the Codex Committee on General Principles considered a set of amendments to the Rules of Procedure and forwarded them to the Commission for approval, at its 27<sup>th</sup> Session in July 2004. However, due to lack of quorum, the Commission could not approve the amendments. Notwithstanding the fact that the amendment to the effect that Coordinators should become members of the Executive Committee has not yet been approved, this document is prepared in anticipation of that membership, which is before the Commission and appears to be of a consensual nature. This reflects also the fact that this matter has been placed in the agenda of the Committee on General Principles in consideration of the amendments to the rules on the composition of the Executive Committee, which were expected to come into effect at the 27<sup>th</sup> Session of the Commission, in July 2004.

5. It is proposed that Revised Rule V, paragraph 1, of the Rules of Procedure would read as follows:

*“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 (...)”<sup>1</sup>*

6. It is therefore in the context of this revised provision that the current rules regarding the term of office of each category of members of the Executive Committee must be considered.

### **A. Term of office of the Chairperson and Vice-Chairpersons of the Codex Alimentarius Commission**

7. Rule III, paragraph 1, of the Rules of Procedure provides that the Commission is required to elect a Chairperson and three Vice-Chairpersons from among the representatives, alternates and advisers of the Members of the Commission. *“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 or 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”<sup>2</sup>.*

### **B. Term of office of the Members of the Executive Committee elected on a geographic basis (the so-called “regional representatives”)**

8. Members elected on a geographic basis 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 are eligible for re-*

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<sup>1</sup> The provision whereby the Coordinators participate in the Executive Committee as observers will be deleted at the time of adoption of the revised version of Rule V, paragraph 1.

<sup>2</sup> The list of past Chairpersons and Vice-Chairpersons is provided at each regular session of the Commission.

*election, but after having served two consecutive terms shall be ineligible to hold such office for the next succeeding term” (Cf. Rule IV, paragraph 1 of the Rules of Procedure).*

### **C. Term of office of the Coordinators**

9. The Coordinators are appointed by the Commission, exclusively on the proposal of a majority of the Members of the Commission which constitute the region or group of countries concerned. Under the terms of Rule III, paragraph 4(b) “*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*”<sup>3</sup>. According to the practice generally followed by the Commission on that basis, Coordinators have been appointed for periods of two years. An appendix to this document provides information on the term of office of the Coordinators of the Commission.

### **RELEVANT CONSIDERATIONS**

10. The issue under consideration seems to have been raised as a result of the decision taken by the Commission, at its 26<sup>th</sup> Session (Rome, 30 June -7 July 2003), to hold one annual regular session. From 1972 until 2003 (i.e. for some thirty years), the Commission has been holding one session every two years, notwithstanding Rule V, paragraph 1 of the Rules of Procedure, whereby the Commission holds “*in principle one regular session each year at the Headquarters of either FAO or WHO*”. The decision taken by the Commission in 2003 may be subject to future reassessment<sup>4</sup>. Meanwhile, the term of office of the Chairperson, Vice-Chairpersons and members of the Executive Committee elected on a geographic basis are established on the basis of the schedule of regular sessions of the Commission and not for a pre-determined number of years.

11. More specifically, as mentioned in the introduction of this document, at the 20<sup>th</sup> Session of the Codex Committee on General Principles, the question was raised as to whether there should be an alignment of the different terms of office, with particular reference to the terms of office of the Chairperson and the Vice-Chairpersons and the members elected on a geographic basis, on the one hand, and the term of office of the Coordinators, on the other hand. In the case of the Chairperson and the Vice-Chairpersons, the Rules of Procedure make provision for their election at each regular session of the Commission and for their re-eligibility for an additional term of office. In the case of the Members elected on a geographic basis, the Rules of Procedure make provision for their election at every second succeeding regular session and for their re-eligibility for an additional term of office. In the case of the Coordinators, the Rules of Procedure provide that they “*hold office from the end of the session when they are appointed, until not later than the end of the*

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<sup>3</sup> These provisions regarding the duration of the term of office of the Coordinators were adopted by the Commission at its 14th session in 1969. Prior to this amendment to the Rules of Procedure, the coordinators held office for a period of not more than three years as determined by the Commission in each instance and were re-eligible for reappointment for one additional term.

<sup>4</sup> At the 26<sup>th</sup> session, “*a majority of delegations were in favor in principle of holding annual meetings, in order to enhance the speed and efficiency of Codex work. Many delegations emphasized the importance and relevance of the FAO/WHO Trust Fund for Participation in Codes (or of obtaining other resources) in addressing the additional costs and burden of work which would be incurred by member countries and stated that the holding of annual sessions should be conditional on the availability of these resources and the need for more frequent sessions. In taking a systems approach to its work, the Commission decided that each session would consider the timing for the following session and the general nature of the agenda in order to achieve the appropriate balance between standards issues, general direction of work and policy matters, and taking into account the resources available for adequate participation*” (Cf. Report of the 26<sup>th</sup> Session of the Commission, paragraph 150). At the same session, when considering the schedule of Codex sessions for the period 2003-2005 “*the Commission noted that the Schedule provided for meetings of the Commission in both 2004 and 2005; meetings of the Executive Committee on a six-monthly basis; and additional meetings of the Committee on General Principles. While recognizing that such a schedule was necessary in the short-term to implement the results of the Evaluation, several delegations stated that it may be more appropriate for the Commission to meet at eighteen-month intervals, taking into account the resource implications for developing countries (...) The Commission endorsed the proposed Schedule of Codex Sessions 2003-2005 on the understanding that it might be subject to amendment as necessary. In doing so, the Commission noted the need to consider longer periods of time between the end of the schedule sessions of the Codex Committees and the meetings of the Commission itself (...)*”(Cf. Report of the 26<sup>th</sup> Session of the Commission, paragraphs 238 and 239).

*third succeeding regular session, the precise term being determined by the Commission in each instance*” (Cf. Rule III, paragraph 4 (b) of the Rules of Procedure). On this basis, the practice of the Commission in respect of the duration of the term of office of the Coordinators has been to appoint them for terms of two years (Cf. appendix to this document), i.e. until the end of the next succeeding regular Commission session (if the Commission meets every other year) or until the end of the second succeeding regular Commission session (if the Commission meets every year). In fact, at its 26<sup>th</sup> Session in 2003, when the Commission decided to hold annual regular sessions, it designated coordinators for a term of two years. The above practice reflects the fact that the Coordinating Committees, which usually are invited to nominate next Coordinators for appointment by the succeeding session of the Commission, and the fact that the biennial budget of the Codex programme provides for one session for each Coordinating Committee.

12. The Committee may wish to consider the desirability of introducing the same term of office for all members of the Executive Committee, i.e. for the Chairperson and the three Vice-Chairpersons, the Members elected on a geographic basis and the Coordinators<sup>5</sup>. Furthermore, the Committee may wish to recommend establishing the duration of that term of office on the basis of a given number of years, which would be independent from the pattern of sessions of the Commission, since the Commission may wish to retain flexibility as to the schedule of its regular sessions.

### **SUGGESTION ACTION BY THE COMMITTEE**

13. The Committee is invited to review this document and to provide such comments and guidance as appropriate, including on the desirability of any amendments to the Rules of Procedure of the Commission.

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<sup>5</sup> In the event that the Commission should decide in future that the term of office of the Chairperson, the Vice-Chairperson, the Coordinators and the members elected on a geographic basis should be defined on the basis of an established period of time, the question of how that would impact upon office holders at the time the decision is adopted might have to be dealt with. This might also involve changes to the proposed amendments to the Rules of Procedure that are now before the Commission, but which could not be approved at the 27<sup>th</sup> Session of the Commission.

## APPENDIX

### Past practice concerning the term of office of the Coordinators

#### Advisory Group of Europe

1<sup>st</sup>-3<sup>rd</sup> (1963-65) Switzerland

#### CCEURO

3<sup>rd</sup>-6<sup>th</sup> (65-69) Austria/Wildner  
6<sup>th</sup>-9<sup>th</sup> (69-72) Austria/Wildner  
9<sup>th</sup>-12<sup>th</sup> (72-78) Austria/H. Woidich  
12<sup>th</sup>-15<sup>th</sup> (78-83) Austria/H. Woidich  
15<sup>th</sup>-16<sup>th</sup> (83-85) Switzerland/P. Rossier  
16<sup>th</sup>-17<sup>th</sup> (85-87) Switzerland/P. Rossier  
17<sup>th</sup>-18<sup>th</sup> (87-89) Austria/H. Woidich  
18<sup>th</sup>-19<sup>th</sup> (89-91) Austria/H. Woidich  
19<sup>th</sup>-20<sup>th</sup> (91-93) Sweden/Blomberg  
20<sup>th</sup>-21<sup>st</sup> (93-95) Sweden/S. Slorach  
21<sup>st</sup>-22<sup>nd</sup> (95-97) Sweden/S. Slorach  
22<sup>nd</sup>-23<sup>rd</sup> (97-99) Spain/F. Mittlebrum Garcia  
23<sup>rd</sup>-24<sup>th</sup> (99-01) Spain/F. Mittlebrum Garcia  
24<sup>th</sup>-26<sup>th</sup> (01-03) Slovak Republic  
26<sup>th</sup>-28<sup>th</sup> (03-05) Slovak Republic

#### CCAFRICA

10<sup>th</sup>-11<sup>th</sup> (74-76) Ghana/Oteng  
11<sup>th</sup>-12<sup>th</sup> (76-78) Ghana/Oteng  
12<sup>th</sup>-13<sup>th</sup> (78-79) Senegal/T. N'Doye  
13<sup>th</sup>-14<sup>th</sup> (79-81) Senegal/T. N'Doye  
14<sup>th</sup>-15<sup>th</sup> (81-83) Kenya/J. Misoi  
15<sup>th</sup>-16<sup>th</sup> (83-85) Kenya/J. Misoi  
16<sup>th</sup>-17<sup>th</sup> (85-87) Togo/A. Randolph  
17<sup>th</sup>-18<sup>th</sup> (87-89) Egypt/T. Zagloul  
18<sup>th</sup>-19<sup>th</sup> (89-91) Egypt/T. Zagloul  
19<sup>th</sup>-20<sup>th</sup> (91-93) Nigeria/E. Essien  
20<sup>th</sup>-21<sup>st</sup> (93-95) Nigeria/J. Abalaka  
21<sup>st</sup>-22<sup>nd</sup> (95-97) Zimbabwe/D. Nhari  
22<sup>nd</sup>-23<sup>rd</sup> (97-99) Zimbabwe/D. Nhari  
23<sup>rd</sup>-24<sup>th</sup> (99-01) Uganda/E. Kasirye-Alemu  
24<sup>th</sup>-26<sup>th</sup> (01-03) Uganda  
26<sup>th</sup>-28<sup>th</sup> (03-05) Morocco

#### CCLAC

11<sup>th</sup>-12<sup>th</sup> (76-78) Mexico/E. Mendez  
12<sup>th</sup>-13<sup>th</sup> (78-79) Mexico/E. Mendez  
13<sup>th</sup>-14<sup>th</sup> (79-81) Uruguay/A. Dovat  
14<sup>th</sup>-15<sup>th</sup> (81-83) Uruguay/E. Brivio  
15<sup>th</sup>-16<sup>th</sup> (83-85) Cuba/R. Darias Rodés  
16<sup>th</sup>-17<sup>th</sup> (85-87) Cuba/R. Darias Rodés  
17<sup>th</sup>-18<sup>th</sup> (87-89) Costa Rica/M. Chacón Moronx  
18<sup>th</sup>-19<sup>th</sup> (89-91) Costa Rica/M. Chacón Moronx  
19<sup>th</sup>-20<sup>th</sup> (91-93) Brazil/C. Ferreira Guimaraes  
20<sup>th</sup>-21<sup>st</sup> (93-95) Brazil/C. Ferreira Guimaraes  
21<sup>st</sup>-22<sup>nd</sup> (95-97) Uruguay/G. Ugarte  
22<sup>nd</sup>-23<sup>rd</sup> (97-99) Uruguay/G. Ugarte

23<sup>rd</sup>-24<sup>th</sup> (99-01) Dominican Republic/L. Feliz Roa  
24<sup>th</sup>-26<sup>th</sup> (01-03) Dominican Republic  
26<sup>th</sup>-28<sup>th</sup> (03-05) Argentina

### **CCASIA**

11<sup>th</sup>-12<sup>th</sup> (76-78) Malaysia/K. Leong  
12<sup>th</sup>-13<sup>th</sup> (78-79) Philippines/A. Regala  
13<sup>th</sup>-14<sup>th</sup> (79-81) India/D. Chadha  
14<sup>th</sup>-15<sup>th</sup> (81-83) Thailand/A. Bhumiratana  
15<sup>th</sup>-16<sup>th</sup> (83-85) Thailand/A. Bhumiratana  
16<sup>th</sup>-17<sup>th</sup> (85-87) Indonesia/Roestamsjah  
17<sup>th</sup>-18<sup>th</sup> (87-89) Indonesia/F. Winario  
18<sup>th</sup>-19<sup>th</sup> (89-91) Thailand/P. Pothirsiri  
19<sup>th</sup>-20<sup>th</sup> (91-93) Malaysia/A. Ghazali  
20<sup>th</sup>-21<sup>st</sup> (93-95) China/D. Yin  
21<sup>st</sup>-22<sup>nd</sup> (95-97) Japan/Y. Hayashi  
22<sup>nd</sup>-23<sup>rd</sup> (97-99) Thailand/K. Sinsakul  
23<sup>rd</sup>-24<sup>th</sup> (99-01) Thailand/K. Sinsakul  
24<sup>th</sup>-26<sup>th</sup> (01-03) Malaysia  
26<sup>th</sup>-28<sup>th</sup> (03-05) Republic of Korea

### **CCNASWP**

18<sup>th</sup>-19<sup>th</sup> (89-91) USA/L. Crawford  
19<sup>th</sup>-20<sup>th</sup> (91-93) Australia/D. Gascoine  
20<sup>th</sup>-21<sup>st</sup> (93-95) Canada/K. Gourlie  
21<sup>st</sup>-22<sup>nd</sup> (95-97) New Zealand/P. O'Hara  
22<sup>nd</sup>-23<sup>rd</sup> (97-99) USA/T. Billy  
23<sup>rd</sup>-24<sup>th</sup> (99-01) Australia/G. Gourie  
24<sup>th</sup>-26<sup>th</sup> (01-03) Canada  
26<sup>th</sup>-28<sup>th</sup> (03-05) Samoa

### **CCNEA**

23<sup>rd</sup>-24<sup>th</sup> (99-01) Egypt/A. El-Naggar  
24<sup>th</sup>-26<sup>th</sup> (01-03) Egypt  
26<sup>th</sup>-28<sup>th</sup> (03-05) Jordan