

# codex alimentarius commission



FOOD AND AGRICULTURE  
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Agenda Item 9

CX/GP 09/25/9

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

Twenty-fifth Session  
Paris, France, 30 March – 4 April 2009

### PARTICIPATION OF DEVELOPING COUNTRIES IN THE WORK OF CODEX

#### Introduction

1. At its 31<sup>st</sup> Session, the Commission agreed that the issue of participation of developing countries would be considered by the 25<sup>th</sup> Session of the Committee on General Principles on the basis of a document prepared by the Secretariat including the data on the participation of developing countries in Codex sessions, and proposals to improve the situation. The Commission also recommended that Coordinating Committees consider this issue and report their views to the next session of the Commission. The conclusions of the Committee on General Principles and Coordinating Committees would be presented to the 32<sup>nd</sup> Session of the Commission for further consideration. The Commission agreed to include this question as a specific item on the agenda of its 32<sup>nd</sup> Session<sup>1</sup>.
2. In accordance with the request from the Commission, this document comprises two sections: data on the participation of developing countries in Codex sessions since 2000; and some options the Committee may wish to consider to improve the situation. An addendum to this document reproduces relevant parts of the reports of the FAO/WHO Coordinating Committees on this subject.
3. Both theoretically and practically, it is impossible to approach the issue of developing countries' participation in Codex without having regard to the operation of the FAO/WHO Project and Trust Fund for Enhanced Participation in Codex (the so-called "Codex Trust Fund"). This paper does not cover the questions related to the past and current operation of the Codex Trust Fund, which will be addressed in an addendum to this document to allow the Committee to have a holistic discussion on the matter.
4. The 32<sup>nd</sup> Session of the Commission will be in a position to consider a fuller report on the Codex Trust Fund prepared by its secretariat in the light of the discussion held in the 25<sup>th</sup> Session of the Committee on General Principles and any further discussion at the six FAO/WHO Coordinating Committees, all of which will report to the same session of the Commission.

#### SECTION 1 - DATA ON THE PARTICIPATION OF DEVELOPING COUNTRIES IN CODEX SESSIONS

##### *Scope*

5. The physical participation of all Codex members in the sessions of the Commission and of its subsidiary bodies established under Rule XI.1 (b) (i) was analysed for the nine-year period from January 2000 to December 2008. The sessions of the Executive Committee and regional Coordinating Committees were excluded from the analysis as the membership of these bodies is not open to all Codex members. The extraordinary session of the Commission held in February 2003 was also excluded. Data were collected from a total of 140 Codex sessions.

<sup>1</sup> ALINORM 08/31/REP paragraph 161

6. Participation in the meetings of physical working groups was analysed for the year 2008, focusing on those meetings that were held as stand-alone events; those sessions held back-to-back to, or during, a plenary of subsidiary body were excluded. In 2008, there were five such meetings, of which three working groups established by TFAMR met back-to-back to each other, so did the two working groups established by CCFICS, at the same venue.

### ***Method***

7. Attendance data of Codex members were obtained from the lists of participants that are systematically included in Codex session reports. Presence of each member in each Codex session was counted manually; the size of the delegation was not analysed. For the sake of this study<sup>2</sup>, all Codex members were grouped into either of two categories: “developing members” [DEV] and “industrialised members” [IND]. “Developing members” were defined as those countries that were eligible for the support from the Codex Trust Fund when the latter came into operation in 2004 as well as those countries that later joined the Codex membership and were classified, upon accession, as eligible for the Trust Fund. Countries were moved from the category of “developing members” to the category of “industrialised members” when they became ineligible for the Trust Fund because of the evolution in their basic economic indicators, while other developing members were kept in the category of “developing members” even after they had become ineligible for (or “graduated” from) the Trust Fund having benefited from it for a pre-determined number of years<sup>3</sup>. All members other than “developing members” were classified in the category of “industrialised members”.

8. To make calculation simple, the total number of Codex members as it stood at the end of each year was applied throughout that year when obtaining participation rates – in other words, new members were considered as if they had joined Codex on 1 January of the year even if they joined the membership sometime between January and December<sup>4</sup>. Data were aggregated by biennium to allow diachronic analysis of participation in Codex bodies including those that did not hold sessions every year, with the exception of the data for 2008, which represent the first half of the ongoing biennium.

### ***Results***

9. The overall summary of the study is shown in Table 1 in the Annex to this document. Figures 1 and 2 show the participation of developing and industrialised members in the sessions of the Commission, held in Rome and Geneva. In the Commission sessions, developing members outnumbered industrialised members by far, especially since 2003 (Fig.1). The participation rate of developing members (the number of developing members present in a given meeting divided by the total number of developing members in the Codex membership) was constantly lower than that of industrialised members, but it is getting closer to the participation rate of industrialised members (Fig.2). It should be noted that a large number of developing member participation was recorded in the 2003 and 2008 Commission sessions (91 and 98 countries, respectively).

10. Regarding General Subject Committees, the number of participating developing members was close to that of industrialised members until the 2002-03 biennium, however the former clearly outnumbered the latter since the 2004-05 biennium (Fig.3). While the participation rate of industrialised members was stable between 60% and 70%, that of developing members increased from 17% in 2000-2003 to the 25-27% range in 2006-2008 (Fig.4). For both industrialised and developing members, the participation rates in General Subject Committees were significantly lower than those in the Commission.

11. When looked at on a committee-by-committee basis, participation patterns in General Subject Committees somewhat differed between developing and industrialised members. Among industrialised members, CCFH and CCNFSU were among the most “popular” committees, while among developing members, CCGP and CCFICS attracted a larger number of delegations. CCFL was increasingly well attended in recent years by both developing and industrialised members. CCRVDF and CCMAS recorded relatively lower participation both by developing and industrialised members (Figs. 5 and 6).

12. Participation rates in Commodity Committees were generally lower for both developing members (by ca. 8 points) and industrialised members (by ca. 15 points) than in General Subject Committees (Figs. 4 and

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<sup>2</sup> There are no common definitions for “developing countries” or “developed countries” within the United Nations system.

<sup>3</sup> “Group 3” countries “graduated” from the Trust Fund four years after they first benefited from the Trust Fund.

<sup>4</sup> In the case of the year 2008, the number of “industrialized members” was 43, “developing members” 134.

8), but their evolution over the 2000-2008 period was similar. CCMH, CCMMP were among the most well attended committees for industrialised members with participation rates ranging between 50% and 65%; the same committees were least attended by developing members, generally attracting less than 15% of these members in their sessions (Figs. 9 and 10). CCFFP was relatively well attended by both developing and industrialised members, while participation in CCPFV was low among both categories of members. CCFO was attracting an increasing number of developing members over the 2000-2007 period while during the same period the participation of industrialised members in this committee was in decline.

13. Due to the small number of records, it was not possible to analyse in detail the participation of members in the sessions of *ad hoc* task forces. One could however observe notable difference in participation rates between industrialised and developing members (Fig. 11 and 12). Even among the industrialised members, some task forces (TFAF, TFFBT and TFAMR) were as well attended as general subject committees or some popular commodity committees, while participation in TFFJ was low. Developing members' participation in task forces was generally below 15%, except for TFFBT in 2004-2007.

14. Participation rates of members in working groups held as separate events in 2008 were between 30% and 45% among industrialised members and were less than 10% among developing members (Table 2). The working groups established by TFAMR attracted less developing members than those established by CCFICS (Figs. 13 and 14).

### **Discussion**

15. In general, the Codex Trust Fund seems to have played a visible role in boosting physical participation of developing members in Codex sessions. Since 2004, the participation of developing members was enhanced in the sessions of the Commission, General Subject Committees, Commodity Committees and Task Forces. However, the high-level participation of developing members in the 2003 Commission session, which was held prior to the entry into operation of the Codex Trust Fund, shows that developing members were able to attend a Codex session if there was commitment to do so.

16. The content of agenda and the venue of session may have influenced the participation of members. For example, one could recall that secret ballot took place for the elections of the Chairperson of the Commission in 2003 and in 2008 when highest attendance record was established. Relatively lower interest among industrialised members and higher interest among developing members in attending the session of CCFFV and CCFO suggest that producing and exporting countries may have assigned higher priority to these committees, compared to non-producing and non-exporting countries of the commodities in question. The fact that both CCFFP and CCMMP were equally well attended by industrialised members but that developing members attended CCFFP more than CCMMP might partly be explained by the difference in travel costs to reach the meeting venue; however as seen in the developing members' participation in CCFICS, geographic location of venues only cannot explain all the observed behaviour of members. A set of different factors appears to determine the priority a Codex member assigns to a Codex body when considering attendance.

17. Participation of developing members remained very low in physical working groups, according to the data from 2008. This may be due to various reasons. Some members might have considered that drafting work could be done by a small number of volunteering members and might have chosen not to participate, with the understanding that draft text would later be circulated for comments by all members. Alternatively, by the time the date and venue of a working group meeting was announced, some members may have committed its resources (own resources or trust fund support) to other Codex sessions. It might be that the substance matter handled by TFAMR working groups was less attractive to developing members compared to the issues dealt with by CCFICS working groups.

18. Even if one considers that the Commission and many committees are more or less well attended by Codex members, one cannot ignore discrepancy in the level of participation of members between the sessions of the Commission on one hand, and the sessions of certain subsidiary bodies on the other. It should be noted that the overall participation rates (both developing and industrialised members altogether) in CCCPC, CCFFP, CCFFV, CCFO, CCPFV, CCS, TFAMR, TFFJ and TFQFF were at times less than 20%, below the quorum of the Commission set forth in Rule VI.7 of the Rules of Procedure. This level of low participation was observed in CCPFV, TFFJ and TFAMR even after the entry into operation of the Trust Fund. Is this to be taken as a simple sign of lack of interest on the part of a large number of Codex members and their tacit "trust" in the capable hands of other, more interested members to advance the work? Or were

there actually many members wishing to participate but not being able to do so? If the latter was the case, it should be taken as a real problem.

19. As it operates today, the Commission is expected to mainly take important decisions at the initial and final stages of the standard elaboration (Steps 1 and 8, namely) at its sessions and cannot afford lengthy technical discussion within the time it disposes of. In other words, draft texts must be fully discussed and all (if at all possible) questions and concerns of members answered at the level of committees or task forces before the draft reaches the Commission. When a member which has not participated in the discussion at a subsidiary body level raises a technical issue (whether a valid one or not) during a Commission session, a significant portion of time is lost, either because the fact that that issue had already been raised and addressed at the committee level must be explained to the member, or because the Commission may return the draft to the committee. It is therefore of utmost importance that many members participate in Codex work at the level of subsidiary bodies (or working groups where appropriate) through physical attendance, by correspondence, or, ideally, by a combination of both means.

## **SECTION 2 - HOW COULD THE SITUATION BE IMPROVED?**

20. The membership of the Commission has grown over the past decades to reach 178 member countries and one member organization (as of 25 January 2009), thus covering more than 99% of the world population. This is considered to represent the countries' strong support to, and trust in the standards setting work of the Commission and their continuous wish to participate in its work. The universal relevance of Codex standards derives from, and depends on the widest participation of its membership in the standards development. Even if complete participation of all members in a Codex session is extremely difficult to achieve in reality, any Codex standard should have regard to food production, processing, transportation and consumption conditions as well as epidemiological and other public health-related data that are representative of different regions and areas.

21. Ideally, all Codex members should be able to participate at all stages of the standards development, including submission of written comments and participation in physical meetings. At present certain Steps in the 8-Step Elaboration Procedure take a form of physical meetings, namely at Steps 1, 5 and 8 in the Commission and at Steps 4 and 7 in subsidiary bodies. Only physical participation allows fully interacting with other delegations and being part of a dynamic decision making process, although written comments made at Steps 3, 5, 6 and 8 are taken into account by the physical meetings.

22. Preparation of a proposed draft text at Step 2 does not require participation of all members, as a Codex body usually entrusts drafting task to a member/observer or to a group of members/observers. Furthermore, travel is not required if drafting is guided by electronic means. Nevertheless, when the task is assumed by a physical meeting then the ability of members to travel may have impact on the composition of the drafting group.

23. As regards the critical review of the Executive Committee that intervenes prior to Step 1 (review of new work proposals) and prior to Steps 5 and 8 (review of texts for adoption by the Commission), the problem of physical participation does not arise as the travel expenses of developing countries in need are covered by the Codex budget for their participation in the Executive Committee (Rule XIII.3).

24. There may be several options to ensure greater participation of developing countries in Codex work, with advantages and disadvantages for each of them. Some the options may be applied together.

### ***A. Make best use of written comments at Steps 3 and 6***

25. Countries should be encouraged to contribute more written comments, especially at Steps 3 and 6, where the draft text is still "hot" and is open for new ideas and proposals.

26. In accordance with the *Guidelines for Chairpersons of Codex Committees and Intergovernmental Task Forces*, the Chairperson should "ensure that the written comments, received in a timely manner, of members and observers not present at the session are considered by the Committee".

27. In practice, a significant portion of written comments received at Steps 3 and 6 are from members which are actually present at the meeting of the subsidiary body where these comments are considered. This shows that there is a considerable potential for improving the situation if members which would not be present at the meeting engage themselves in sending written comments and have their say reach the meeting.

28. It should be noted that written comments can best be taken into account by relevant Codex bodies when they have been submitted before the deadline indicated in Circular Letters and when a working

document compiling the comments received is circulated well in advance of physical meetings. There are a number of obstacles to enable this, among which is the busy schedule of Codex sessions. Furthermore, it sometimes happened that a working group tasked to draft or redraft text at Step 2 cannot deliver its output on schedule and subsequent late circulation at Step 3 resulted in a shorter commenting period, putting additional burden on timely submission of written comments. It is therefore unlikely that this option, alone, can solve all the problems at hand.

### ***B. Foster dynamic exchange of opinions/comments outside physical meetings***

29. At present, the exchange of views and negotiations among members on a draft text mainly takes place at Steps 4 and 7. As working documents containing written comments are circulated not a long time before the meeting of a subsidiary body, due to busy session schedule and tight deadlines, which are problems in themselves, members can often “react” to other members’ views only after the meeting has started.

30. The situation could be improved if the submission of comments can be done through an interactive web-based system whereby Codex members can upload their comments and review comments of others on a real time basis on a dedicated web page with protected access. This could serve as a virtual discussion forum, which prepares fuller debate later at a physical meeting. Challenges for setting up this kind of mechanism include costs for development and maintenance of a sophisticated web-based system, handling of more than one language on the website, and eventual need for a moderator, among others.

31. A more simplified variation of the system above may be the use of an Internet-based mailing list, one each for a request for comments. However, the problem of the language would remain, and a significant flux of comment emails created by 50 to 60 Circular Letters per year (and each one of them comprising several requests for comments) would quickly fill up email accounts of Codex Contact Points every day, and the lack of functionality to provide a “summary view” of all comments sent on a given subject would make very difficult to utilise this system in an effective way.

32. A similar mechanism may consist in putting in place a web-based “chat room”, where Codex members can post questions and opinions on technical or other matters in an informal manner and allow other members to react to them. This mechanism may be used at the level of a subsidiary body (Codex Committee or Task Force) but could be more effectively used at the level of a working group<sup>5</sup>. This exercise should be considered as separate from submitting official comments usually submitted at specified Steps in the Elaboration Procedure. Some of the websites of FAO/WHO Coordinating Committees developed and maintained by Coordinators actually offer this functionality.

33. Finally, websites may be used, in more general terms, to facilitate sharing of basic data and other pertinent technical information during the elaboration of a Codex text<sup>6</sup>.

### ***C. Reduce the number of Codex sessions per year and per biennium***

34. It is obvious that if the Commission programmes many meetings each year it can simultaneously deal with many different issues but it also becomes quite challenging for members to take effective part in all of the meetings. In recognising this problem, the 30<sup>th</sup> Session of the Commission set an indicative upper limit on the number of Codex sessions planned per biennium (forty) and an indicative upper limit on the number of Codex sessions planned in one calendar year (twenty)<sup>7</sup>. These indicative upper limits corresponded more or less to the actual numbers of Codes sessions at the time, which were the highest record in the Codex history (41 sessions in the 2004-05 biennium and 38 sessions in 2006-07 biennium). And this, without taking into account the number of working groups.

35. In the current biennium which will come to an end in December 2009, 39 Codex sessions are foreseen. While within the indicative limit set by the Commission, this level of meeting frequency may still

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<sup>5</sup> The revision of the Standard for Wheat Protein Products (CODEX STAN 163-1987), adopted in 2001, was facilitated by an “interactive website” established by Canada acting as the host government of the Committee on Vegetable Proteins, to facilitate exchange of views and achieve consensus on outstanding issues (ALINORM 01/37A). More recently, electronic working groups established by the Committees on Food Additives and on Residues Veterinary Drugs in Foods used web-based, password-protected electronic forums managed by the working group leaders, in order to collect comments and share them among the participating members.

<sup>6</sup> The working group set up by the Committee on Contaminants in Foods and led by the United States to develop aflatoxin sampling plans for tree-nuts, adopted by the Commission in 2008, made use of a dedicated website to exchange information (<http://www.bae.ncsu.edu/usda/www/ResearchActDocs/treenutwg.html>).

<sup>7</sup> ALINORM 07/30/REP para. 147

be posing challenges to developing and industrialised countries alike. One option is to significantly reduce the number of meetings, possibly along the following principles:

- The Commission will meet every two years (as was the case throughout the 1980s and 1990s)<sup>8</sup>;
- The Executive Committee will meet up to four times in a biennium;
- The Committees on Food Additives, on Food Hygiene, on Methods of Analysis and Sampling, on Pesticide Residues and on Contaminants in Foods will meet every year;
- The Committees on Residues of Veterinary Drugs in Foods, on Nutrition and Foods for Special Dietary Uses, on Food Labelling and on Food Import and Export Inspection and Certification Systems will meet every two years;
- A maximum of 5 active commodity committees will meet every two years;
- All six FAO/WHO Coordinating Committees will continue to meet every two years; and
- No more than one intergovernmental task force, meeting every year, should exist at a time.

36. If the principles above are applied and assuming that the Committee on General Principles will remain basically dormant, the number of Codex sessions would be managed around the level of 30 sessions per biennium, achieving a 25% reduction compared to the current situation. For a Codex member country not serving on the Executive Committee, this change would mean a nearly 35% reduction in the number of Codex sessions to attend (from around 32 meetings to 21 meetings in a biennium).

37. The reduction in the number of Codex sessions per year and per biennium as outlined above would also allow for a more rational scheduling of Codex sessions. For instance, no meetings of subsidiary bodies would be held after the third week of April until the Executive Committee and the Commission meet in June/July, to ensure that the reports of the subsidiary bodies are made available in English, French and Spanish and can fully be studied by Codex members prior to the Commission session. All commodity committees would meet during the October-February season of the year-cycle in which the six regional coordinating committees do not meet. This would allow bringing equilibrium to the distribution of Codex sessions across the seasons while ensuring that the provisions of commodity standards requiring endorsement by general subject committees are duly considered prior to consideration of drafts at Step 5 or 8 by the sessions of the Executive Committee and the Commission.

#### ***D. Concentrate all Codex sessions in Rome or in Geneva***

38. One possibility might be to convene all Codex sessions (with the exception of FAO/WHO Coordinating Committees) in Rome or in Geneva, as is the case for the Commission and the Executive Committee. This would however not automatically allow participation of all Codex members, because only 135 FAO members have their diplomatic mission or embassy in Rome, Italy. This could create a new gap for over 40 other Codex members without their permanent representation in Rome.

39. Furthermore, many of these missions/embassies have relatively a limited number of staff and they cover matters related to all three Rome-based international agencies (FAO, IFAD and WFP) and often handle bilateral matters with Italy as well. It is unclear whether the staff of smaller-scale missions/embassies could be briefed about technical matters prior to each Codex meeting and could effectively participate in multilateral negotiations in the plenary as well as in informal consultations that often take place in the margins of the plenary<sup>9</sup>. Such situation might also alter the essential character of Codex meetings from a consultation among technical experts from capitals into a forum where country representatives present formal positions. This might reduce productivity of the Codex system as a whole by slowing down standards development and depriving national experts of the opportunities to familiarise themselves with, and be trained in, multilateral consultations and information exchange, be it formal or informal.

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<sup>8</sup> The Report of the 2002 Codex Evaluation observed: "It is desirable for the Codex Alimentarius Commission to meet every year, but if the Executive Board and Standards Management Committee perform their functions effectively, it might be possible to reduce costs by continuing to hold meetings every two years" (Recommendation 12). As the standards management function of the Executive Committee has fully operational, the frequency of the Commission sessions may be reduced without much negative impact on the speed of standards development, especially in the light of increasingly common use of the omission of Steps 6 and 7 of the Elaboration Procedure.

<sup>9</sup> These are important elements in facilitating consensus (viz. discussion under a separate Agenda Item on the basis of CL-34 2008/GP).

40. There are logistic challenges as well. In FAO, there are only three conference rooms which can accommodate a Codex subsidiary body meeting: the Plenary Hall, the Green Room and the Red Room. There is constantly high demand for these conference rooms for use by FAO and non-FAO sessions, and permanently booking one of these rooms for four months every year, to accommodate around 16 Codex sessions per year, requires a firm commitment of FAO in logistics. The cost associated with the use of FAO conference rooms need be paid by the host government of respective Codex subsidiary bodies in accordance with Rule XIII.4 of the Rules of Procedure, together with the cost for office facilities in or in the vicinity of FAO buildings to accommodate the members of the national secretariat throughout the session.

41. Geneva is better placed than Rome in terms of the number of diplomatic representations present (a total of 156 Codex members have permanent missions). However, the nature of the challenges would be the same as for arranging sessions in Rome. The number of international organizations based in Geneva covering diverse fields is such that not all permanent missions have sufficient human resources with expertise to technically contribute to Codex negotiations. Furthermore, as neither WHO nor the United Nations Office in Geneva can offer their own meeting facilities to accommodate as many sessions of Codex subsidiary bodies, FAO and WHO would need to procure, in Geneva, conference facilities dedicated to Codex, together with the offices for the Codex and host government secretariats.

### ***E. Introduce Video-conference for Codex sessions***

42. The Guidelines on Electronic Working Groups, adopted at the 28<sup>th</sup> Session of the Commission, state:

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 considering the establishment of electronic working groups.

43. As is obvious in the above, the use of modern communication technologies is not excluded within Codex, is rather encouraged. However, in reality, the use of technologies beyond the use of email continues to pose a number of challenges and problems. As already analysed and documented in a working document presented to the 61<sup>st</sup> Session of the Executive Committee<sup>10</sup>, these problems are:

- Time difference between different geographic locations (some delegations would have to participate very late in the evening or early in the morning according to local time);
- Lack of reliability and sufficient band-width of Internet connections for video and multiple audio channels in a large number of developing countries; while the situation is likely to evolve, these limitations would have the practical effect of excluding delegations from those countries to participate in meetings, thus exacerbating difficulties in ensuring effective participation of such countries in Codex work ;
- Difficulty for the chairperson to recognise requests for the floor and to assess, at a given point of time, whether there is agreement among participants on the issue at hand; more generally, the procedural framework governing the conduct of proceedings might need major adjustments in order to be able to regulate tele-conferences; and
- No informal consultation possible over “coffee break” or in other *ad hoc* settings.

44. Other difficulties include the distribution and use of conference room documents for “remote” participants, ascertaining the identity of “remote” participants, and last but not least, high costs to be borne by the host government for the logistic and other arrangements including the cameraman to follow the chairperson and speakers in the main meeting facilities.

45. Although some experience could be gained through a pilot experiment that may be arranged for a physical working group meeting, it does not appear to be appropriate to introduce multi-channel video-conference to the plenary of Codex subsidiary bodies, at least at this stage.

### ***F. Restrict the membership of Codex Committees and Task Force***

46. Equitable geographical representation in the standards development process could be achieved by restraining the membership of all subsidiary bodies established by Rule XI.1(b)(i) to the six Coordinators appointed under Rule IV, for instance, similar to the *modus operandi* of the technical commissions in the

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<sup>10</sup> CX/EXEC 08/31/2 para. 14

World Organization for Animal Health (OIE)<sup>11</sup>. The Coordinators would review all written comments sent by members and observers at Steps 4 and 7. Another model is the Standards Committee (SC) of the Commission on Phytosanitary Measures (CPM) of the International Plant Protection Convention (IPPC), or a Technical Panel operating under the SC of the CPM<sup>12</sup>. Whether the OIE or the IPPC model is followed, for the purpose of equity, no other members or observers would be allowed to speak or attend. The Commission would become the only forum where all members can attend.

47. This reform would require amendments to Article 3 of the Statutes of the Commission as well as substantive amendments to the Rules of Procedure and other provisions in the Procedural Manual. Restricting the membership of subsidiary bodies may be perceived as going against transparency and inclusiveness, values vigorously defended by the Commission so far.

#### ***G. Extend the Codex Trust Fund to all Codex members and all Codex sessions***

48. One solution to overcome financial problems associated with the participation of developing countries might be to extend the eligibility of the Codex Trust Fund to all Codex members and to make it a permanent, not time-bound, mechanism; the financial burden of travels is such that enlarging the eligibility only to developing countries would put industrialised countries, especially small-scale economies, in disadvantage and would eventually result in discriminating against them – hence the need for opening eligibility of the Trust Fund to all Codex members.

49. According to the Ninth Progress Report of the Codex Trust Fund, the total average cost of supporting participants to Codex meetings, including all administrative functions related to the Trust Fund, was estimated as US\$ 4,000 per participant<sup>13</sup>. A required annual budget for supporting participation of one delegate each from 179 Codex members in 20 Codex meetings (excluding the Coordinating Committee sessions other than the one of the region the Codex member belongs to, and including 2 to 3 physical working group meetings of choice) would be USD 14.2 million at the cost of the year 2007. This is roughly nine times the expenditure of the Codex Trust Fund in 2007 and four times the annual budget of the FAO/WHO Food Standards Programme. Whether donors to the Codex Trust Fund are willing to commit themselves to this level of contribution remains uncertain.

50. Furthermore, the number of participants in a meeting of each Codex subsidiary body would increase by 100-150 delegates thanks to the enlarged trust fund, requiring the host governments to book larger meeting facilities than they usually do. This would in turn reduce flexibility in the choice of dates and venues of meetings.

#### ***H. Introduce remote voting in the Elaboration Procedure, limited to Step 1***

51. The Codex Evaluation and the subsequent discussion at the Commission defeated the idea of using postal voting for the adoption of the final text at Step 8. However, a mechanism to involve all Codex members in decision making could be introduced by way of remote voting at Step 1 (approval of new work proposals), thereby enhancing the involvement of all Codex members in managing the work programme of the Commission.

52. Under these hypothetical arrangements, the Executive Committee would continue to conduct critical review of new work proposals, as it does now. The content of the critical review and the Committee's recommendations would be recorded in its report to the Commission. The Commission, instead of taking final decision on these proposals for new work during its session, would refer the matter to all Codex members which are invited to express their opinion *ad referendum*, using secured Internet connection and taking full account of the debate at the Executive Committee and at the Commission if any. The voting

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<sup>11</sup> The OIE Terrestrial Animal Health Standards Commission ("Code Commission") consists of a Bureau (comprised of a President, a Vice-President and a Secretary General) and three other Members. The International Committee elects members for a period of three years (renewable), taking into account the need for a geographically balanced representation, and the need for relevant expertise. Members are individuals, not countries.

<sup>12</sup> The Standards Committee consists of 25 members drawn from each of the FAO regions (Africa (4), Asia (4), Europe (4), Latin America and the Caribbean (4), Near East (4), North America (2), Southwest Pacific (3)). Members serve for a term of three years, renewable once. Members are senior officials of National Plant Protection Organizations, designated by contracting parties; A Technical Panel consists of 6-10 members with the necessary scientific expertise representing a wide geographic area (including proportional developing country participation), selected by the Standards Committee. Members may serve for a five year period, extendable. Members are individuals with required expertise.

<sup>13</sup> CX/EXEC 07/60/8, para. 9



would be closed a few weeks after the Commission session, and the results would immediately be announced on the Codex website and by email.

53. Wider participation and involvement of the Codex membership in making decision as to whether new or revised text should be elaborated could emphasise the expression of a broad commitment of the membership for active contribution of members at later stages of standards development. It would not overly delay the decision making sequence of the Commission, as the final results of voting would be known shortly after a Commission session, by end of July.

54. Yet, an adequate Internet-based voting system needs be implemented and be integrated into the Codex website, and this would require certain preparation time and investment. The introduction of this mechanism does not seem to require substantive amendment to the Rules of Procedure; however, if the Commission sees it appropriate to use other criteria than the simple majority for the purpose of making decisions at Step 1, amendments to the Rules of Procedure would be desirable.

### ***Conclusion***

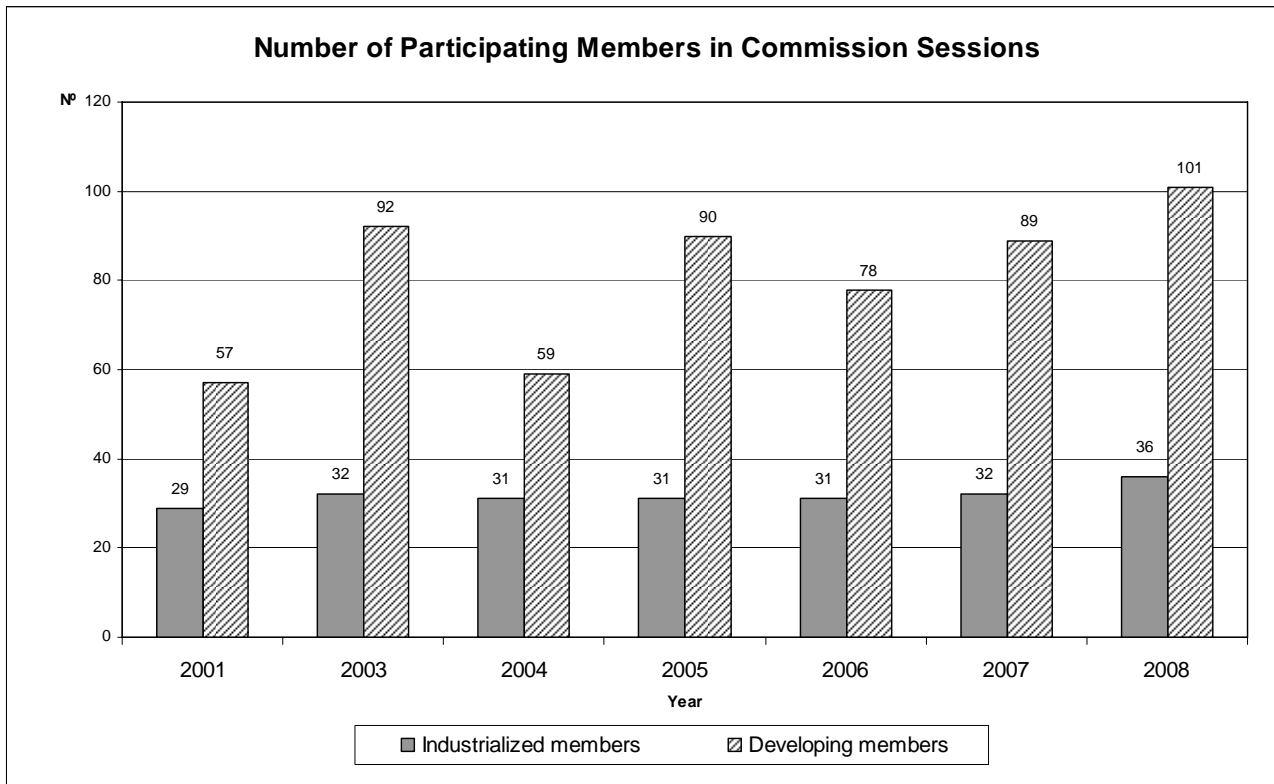
55. The Committee is invited to note the finding in Section 1, consider options to improve the current situation (including, but not limited to, those listed in Section 2) and provide its views to the 32<sup>nd</sup> Session of the Commission.

## Annex (English only)

**Table 1. Number and Rate of Participating Members by Member Category and by Codex Body**

	2000-2001						2002-2003						2004-2005						2006-2007						2008					
	IND		DEV		Total		IND		DEV		Total		IND		DEV		Total		IND		DEV		Total		IND		DEV		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>CAC</b>	29	85%	57	43%	86	52%	32	89%	92	68%	124	73%	31	86%	75	54%	106	61%	32	86%	84	60%	115	66%	36	97%	101	72%	137	77%
<b>CCCF</b>																			22	59%	38	28%	60	34%	25	68%	38	27%	63	36%
<b>CCFA(C)</b>	24	69%	21	16%	45	27%	21	59%	24	18%	45	26%	27	74%	33	24%	60	34%	23	62%	39	28%	61	35%	23	62%	41	29%	64	36%
<b>CCFH</b>	25	74%	30	22%	55	33%	23	64%	21	16%	44	26%	27	74%	33	21%	60	34%	23	62%	41	30%	64	36%	24	65%	36	26%	60	34%
<b>CCFICS</b>	22	65%	23	17%	45	27%	21	59%	20	15%	41	24%	23	64%	44	32%	67	39%	22	60%	34	25%	56	32%	24	65%	36	26%	60	34%
<b>CCFL</b>	23	66%	26	19%	48	29%	20	55%	23	17%	43	25%	24	65%	34	24%	57	33%	25	67%	45	32%	69	39%	24	65%	49	35%	73	41%
<b>CCGP</b>	26	75%	33	25%	58	35%	23	65%	26	19%	49	28%	23	63%	43	31%	65	38%	24	64%	47	34%	70	40%						
<b>CCMAS</b>	24	71%	19	14%	43	26%	22	63%	25	19%	47	28%	21	57%	22	16%	43	25%	21	56%	29	21%	50	28%	22	59%	37	26%	59	33%
<b>CCNFSDU</b>	26	76%	26	20%	52	31%	23	63%	29	22%	52	30%	25	69%	36	26%	61	35%	23	62%	30	22%	53	30%	23	62%	30	21%	53	30%
<b>CCPR</b>	25	72%	24	18%	49	29%	24	66%	28	20%	51	30%	21	58%	30	22%	51	29%	21	56%	28	20%	48	27%	22	59%	38	27%	60	34%
<b>CCRVDF</b>	21	62%	14	11%	35	21%	21	58%	15	11%	36	21%	22	61%	24	18%	46	27%	22	59%	21	15%	43	24%						
<b>CCCPC</b>	17	50%	9	7%	26	16%																								
<b>CCFFP</b>	23	68%	21	16%	44	27%	21	58%	23	17%	43	25%	18	50%	29	21%	47	27%	20	56%	26	19%	46	26%	22	59%	29	21%	51	29%
<b>CCFFV</b>	14	41%	20	15%	34	20%	12	34%	15	11%	27	16%	14	39%	28	20%	42	24%	13	36%	22	16%	35	20%	15	41%	31	22%	46	26%
<b>CCFO</b>	19	56%	13	10%	32	19%	17	47%	14	10%	31	18%	17	47%	22	16%	39	23%	15	41%	27	20%	42	24%						
<b>CCMH</b>							23	63%	13	10%	36	21%	23	64%	14	10%	37	21%												
<b>CCMMP</b>	23	68%	12	9%	35	21%	18	51%	15	11%	33	19%	21	58%	21	15%	42	24%	21	58%	19	14%	40	23%	20	54%	15	11%	35	20%
<b>CCNMW</b>	19	56%	14	11%	33	20%																			20	54%	27	19%	47	27%
<b>CCPFV</b>	12	35%	14	11%	26	16%	9	26%	8	6%	17	10%	13	36%	19	14%	32	18%	11	31%	14	10%	25	14%	14	38%	29	21%	43	24%
<b>CCS</b>	16	47%	11	8%	27	16%																								
<b>TFAF</b>	23	66%	17	13%	40	24%	23	63%	17	12%	39	23%																		
<b>TFAMR</b>																			22	59%	15	11%	37	21%	21	57%	11	8%	32	18%
<b>TFFBT</b>	21	60%	15	11%	36	21%	21	58%	14	10%	34	20%	23	64%	27	20%	50	29%	23	62%	24	17%	46	26%						
<b>TFFJ</b>	15	44%	9	7%	24	14%	12	34%	18	7%	30	18%	9	25%	11	8%	20	12%												
<b>TFQFF</b>																									10	27%	8	6%	18	10%

**Figure 1.**



**Figure 2.**

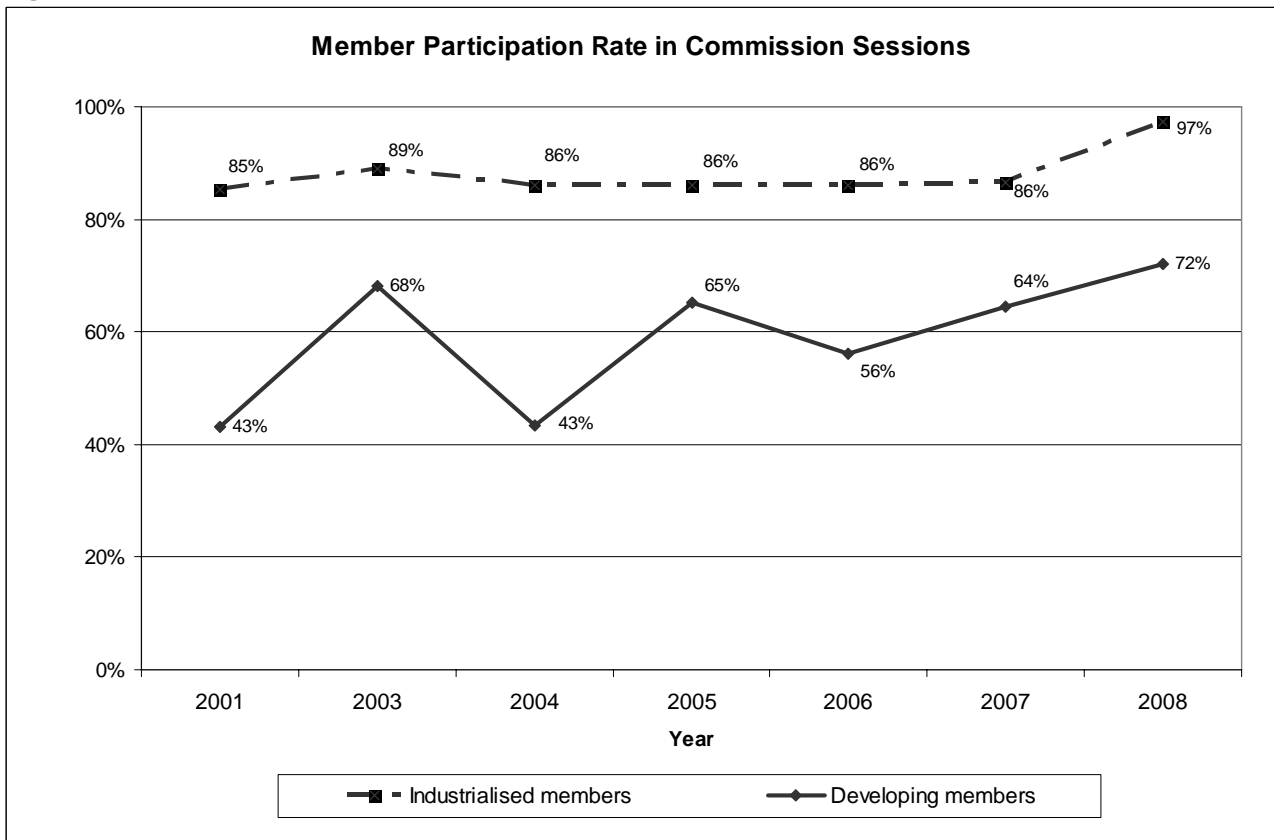


Figure 3.

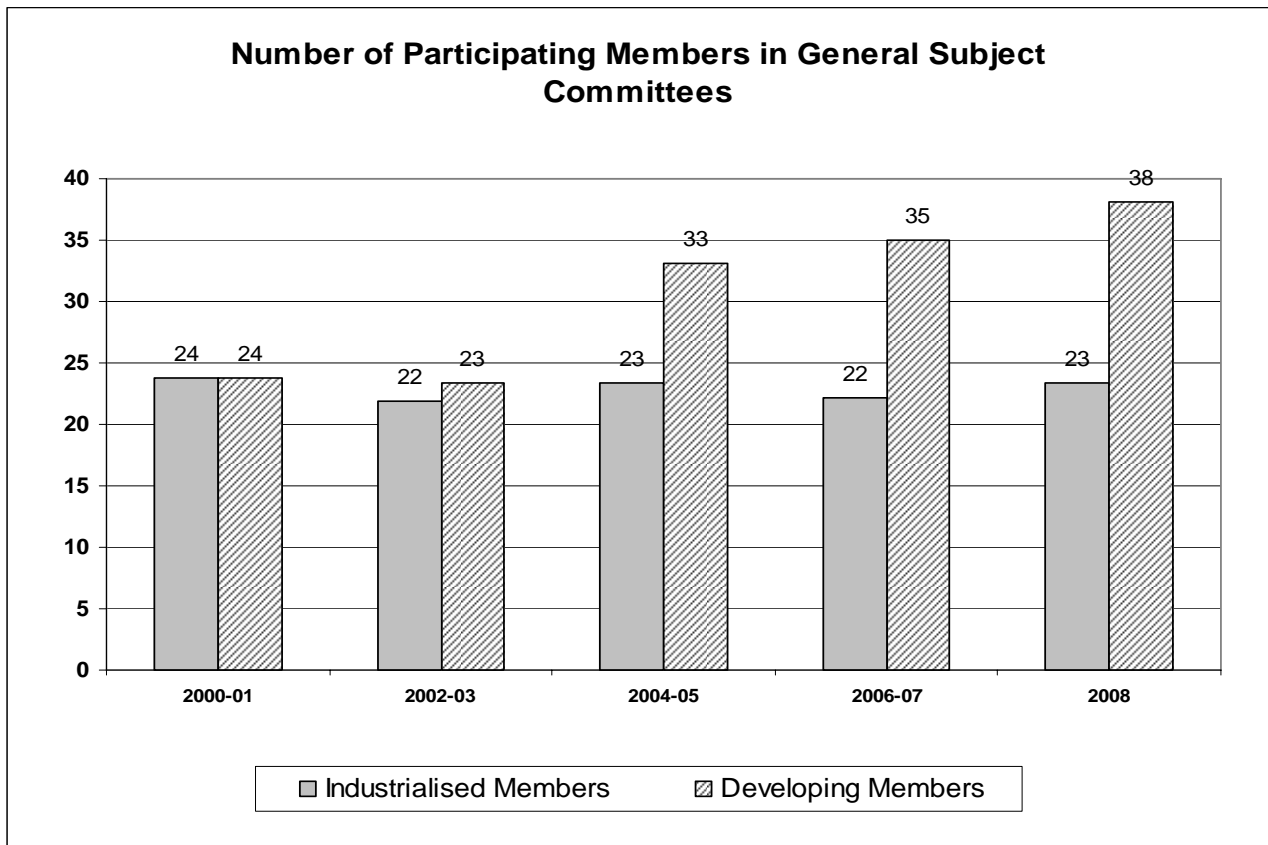
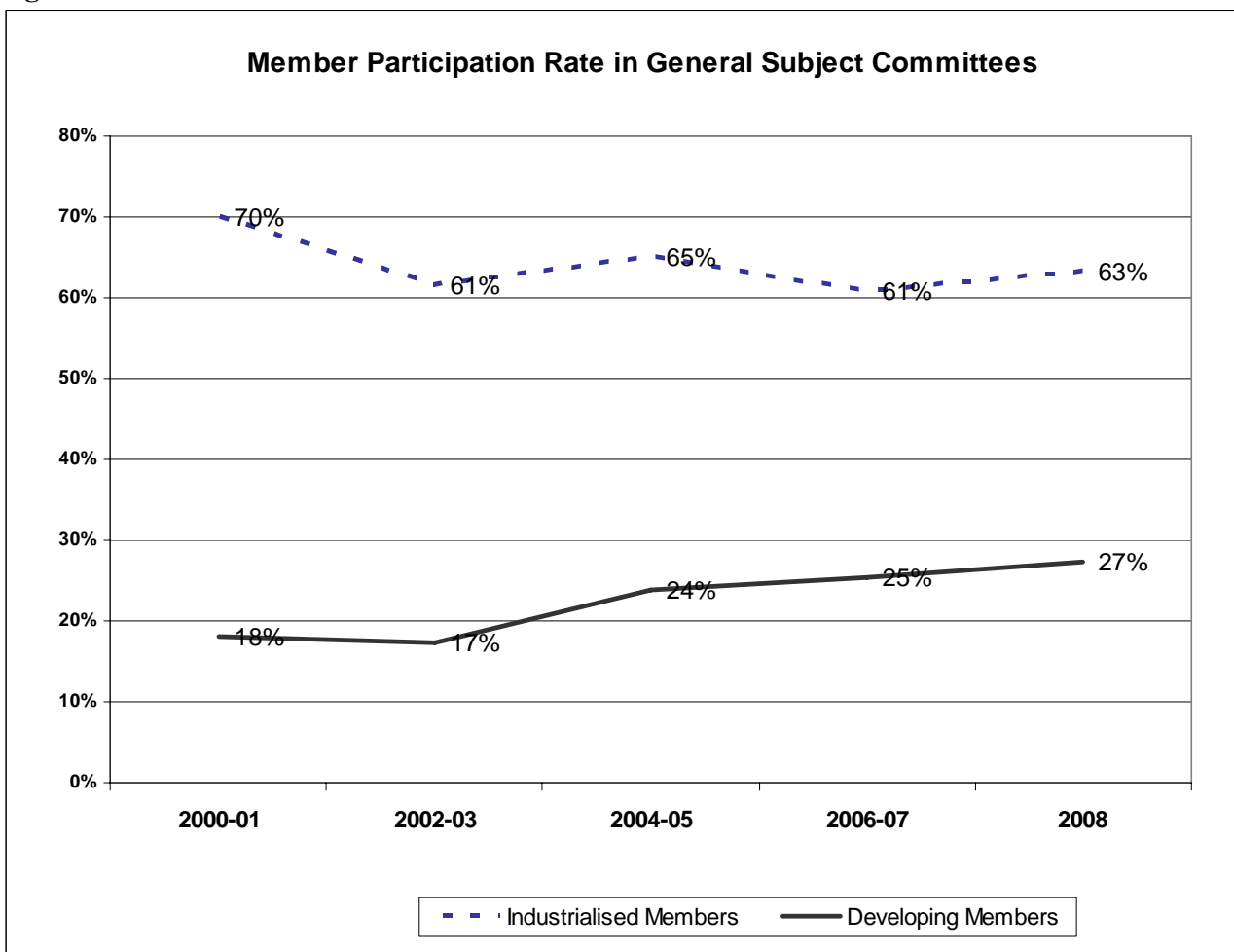
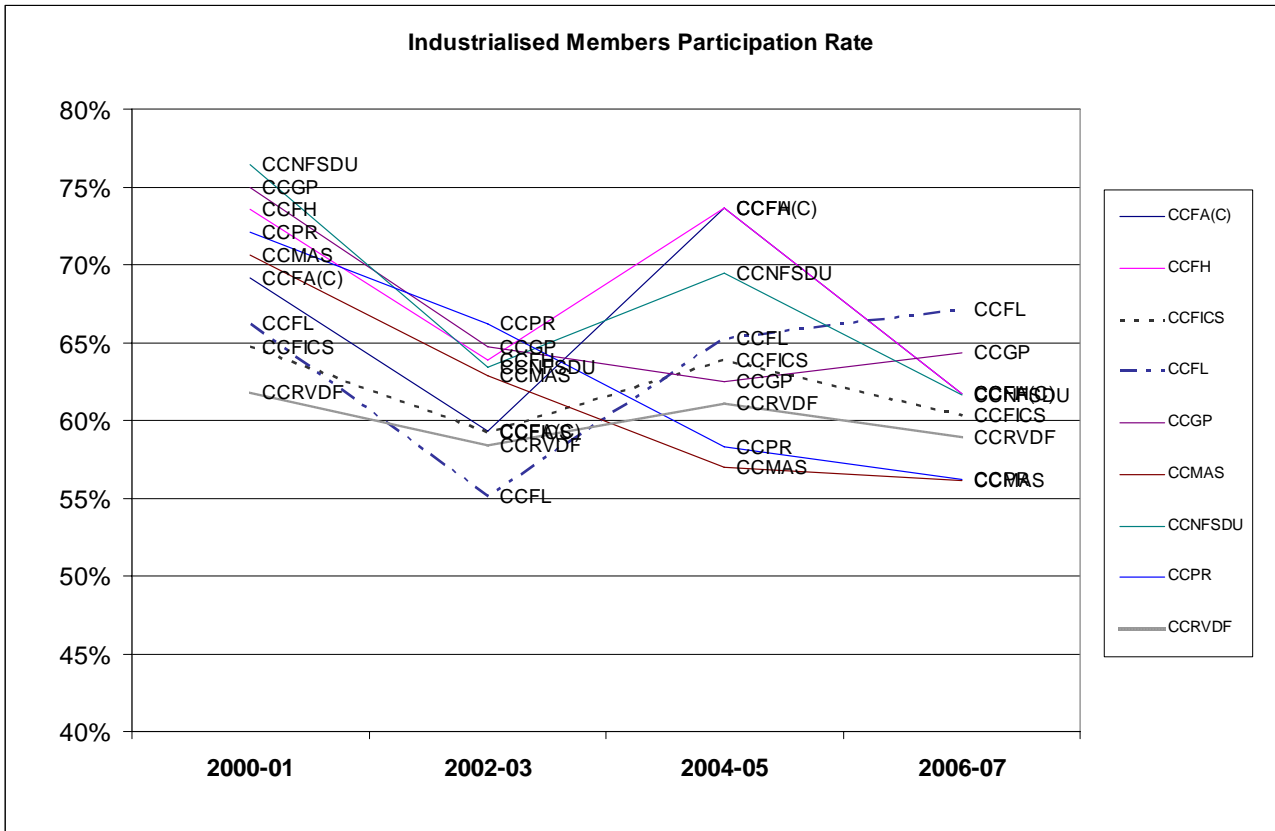


Figure 4.



**Figure 5.**



**Figure 6.**

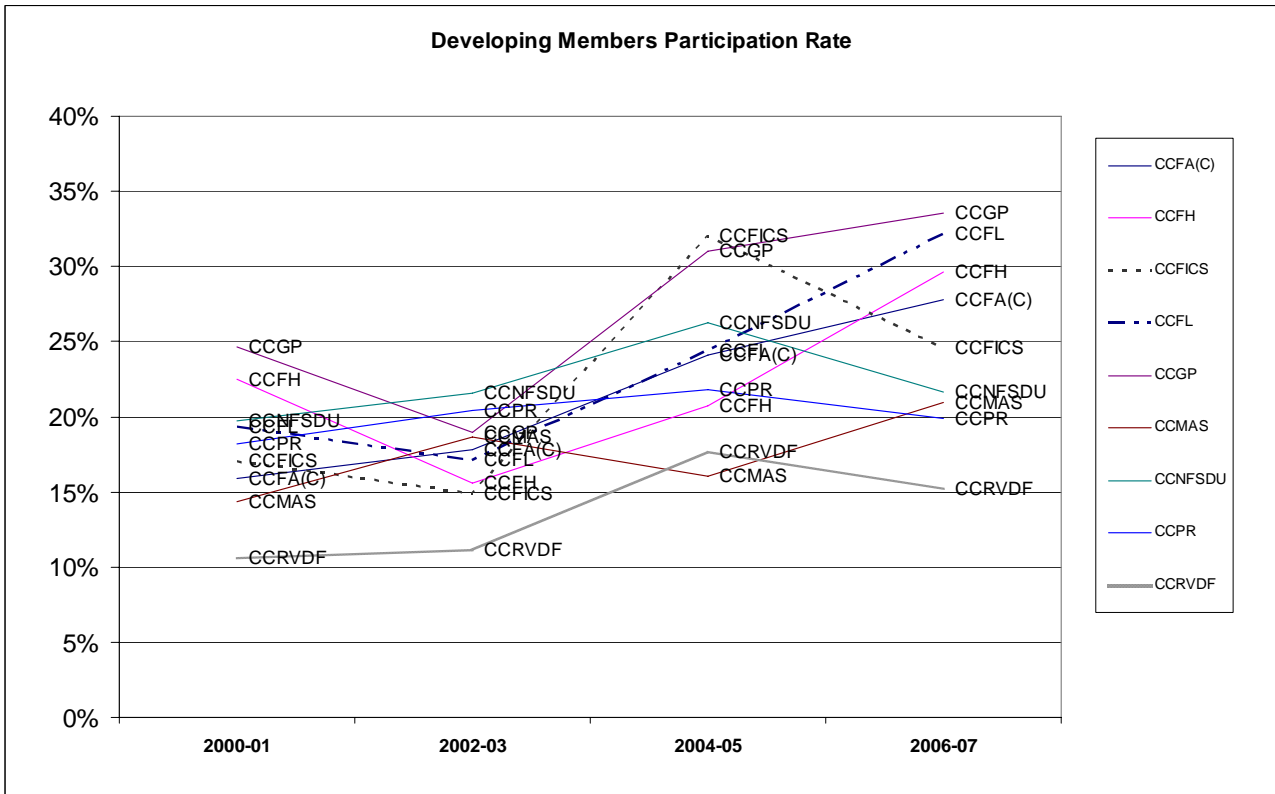


Figure 7.

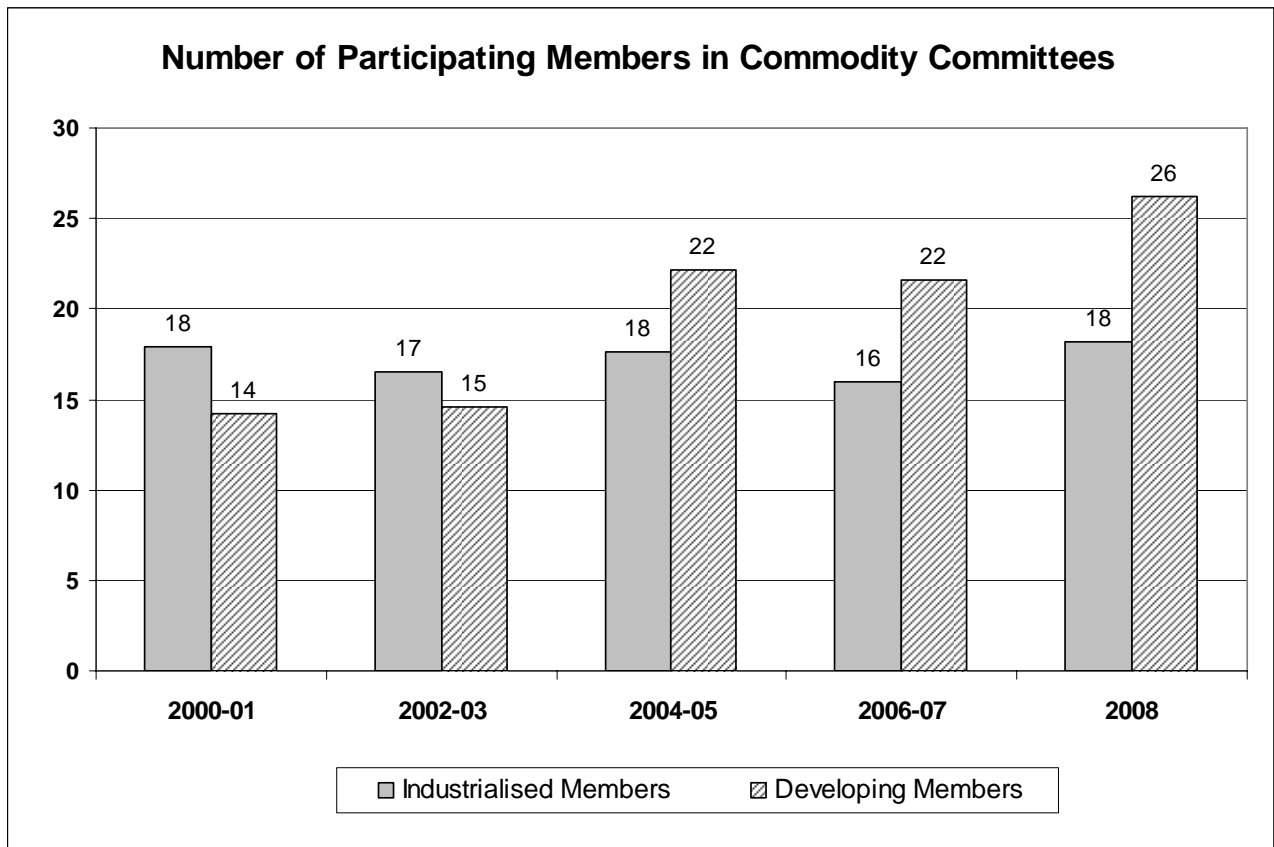
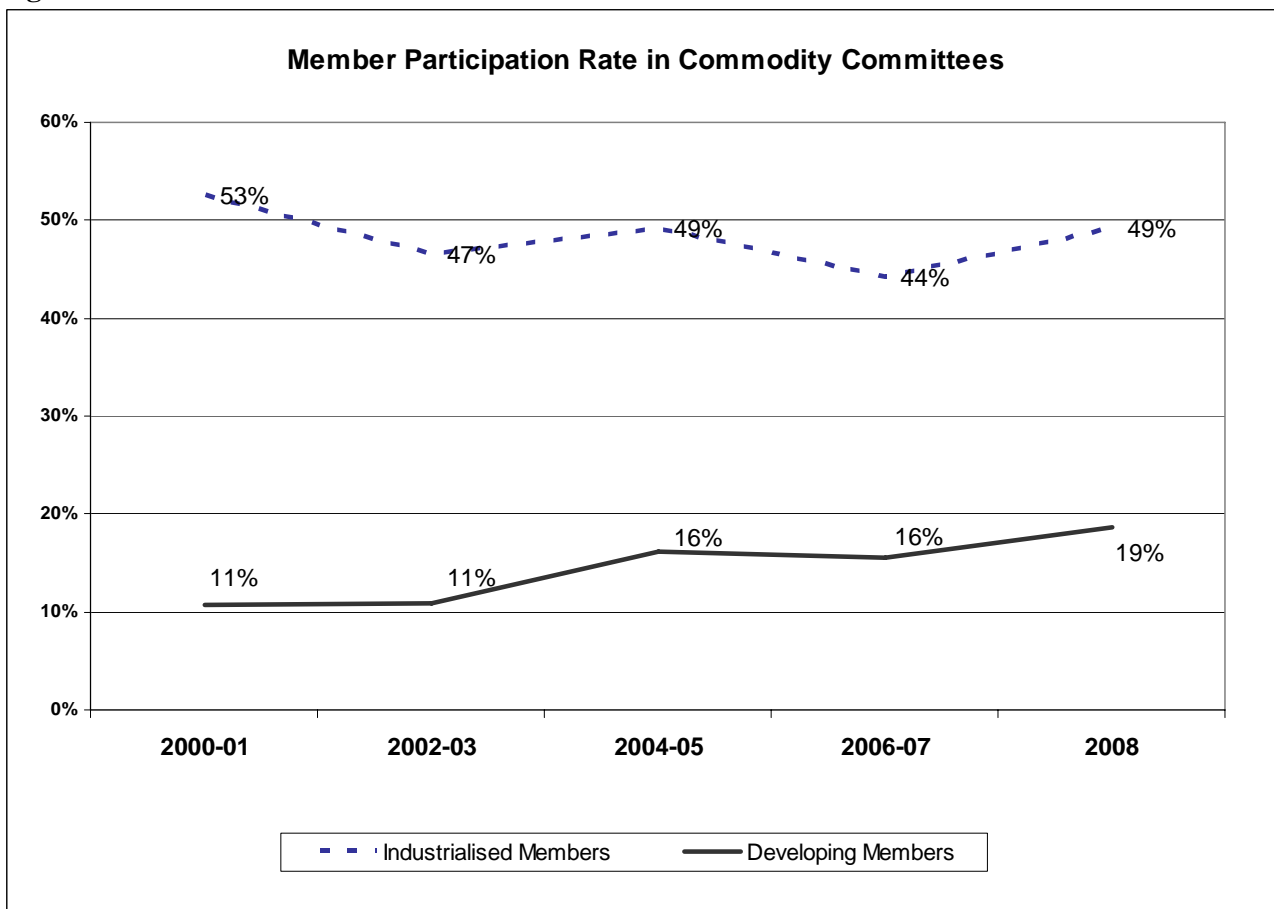
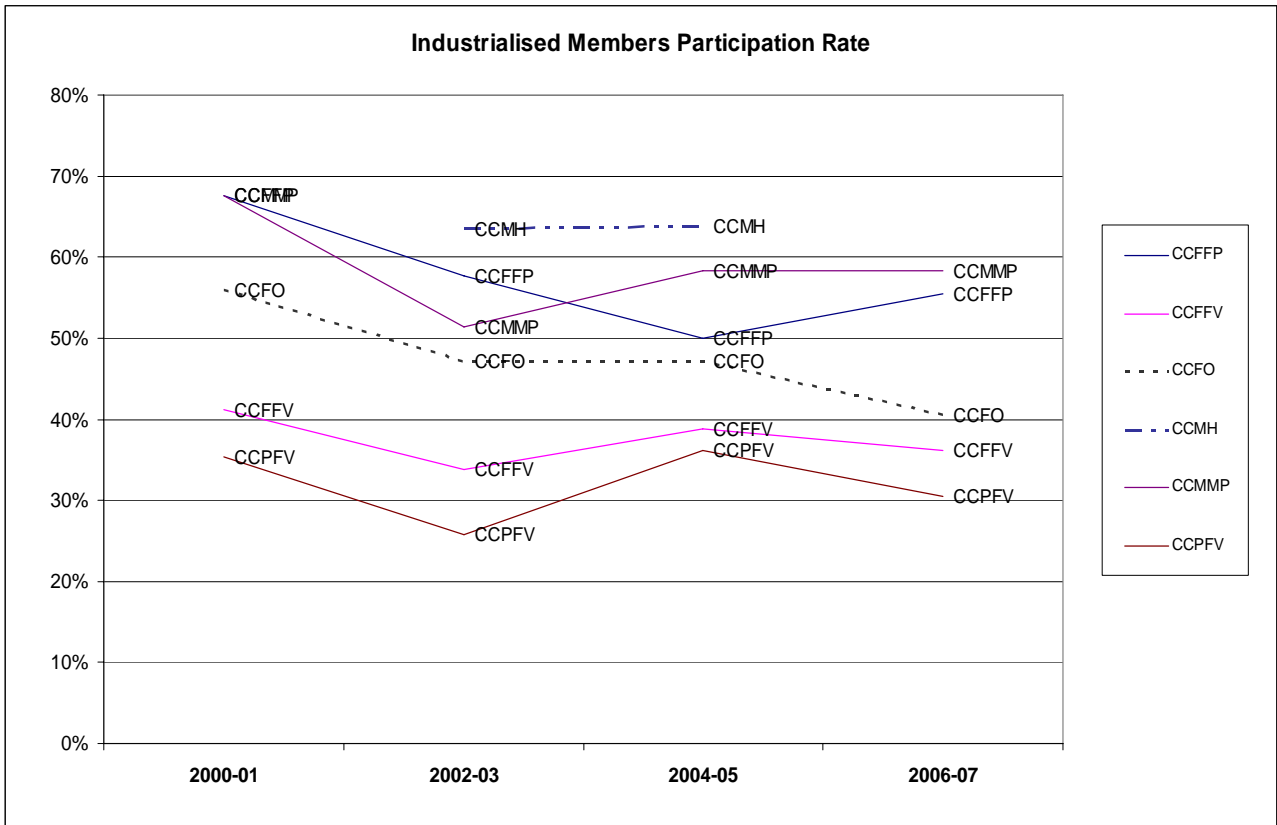


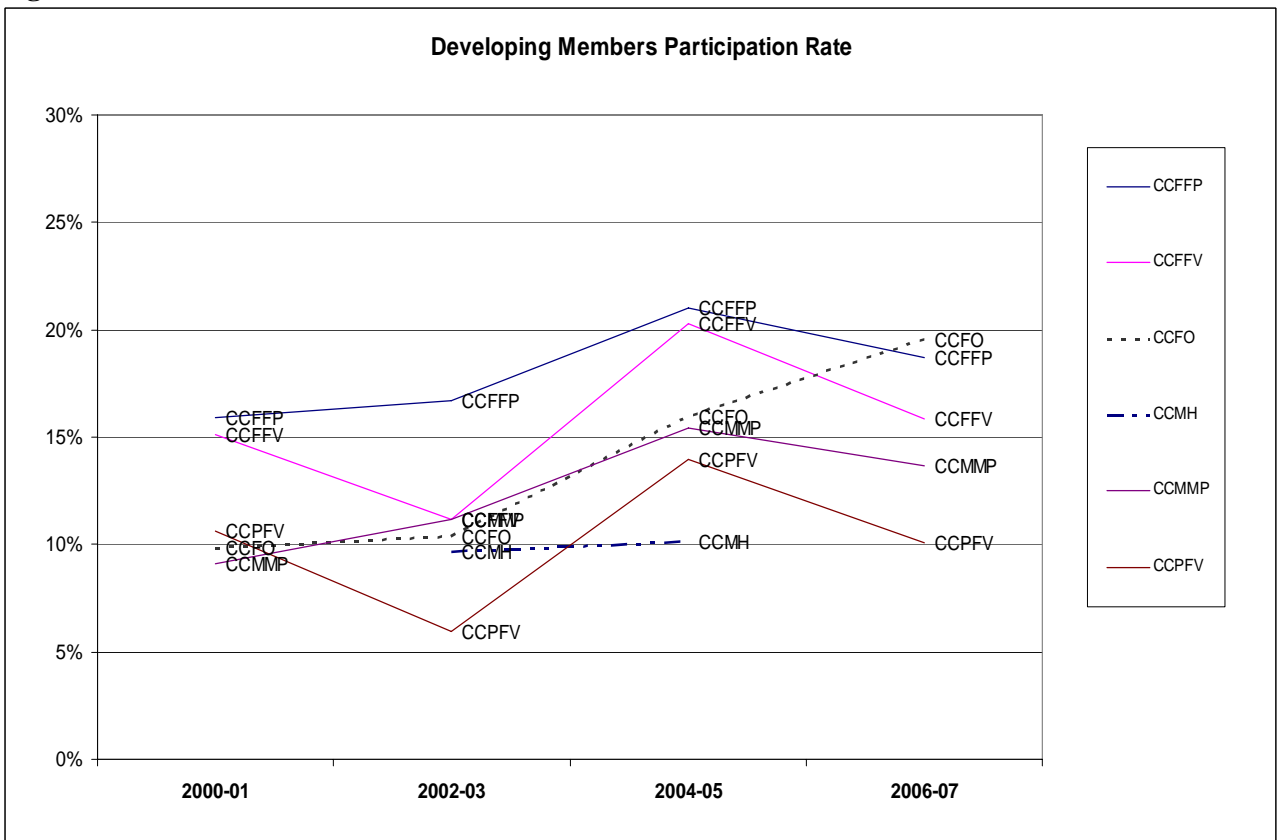
Figure 8.



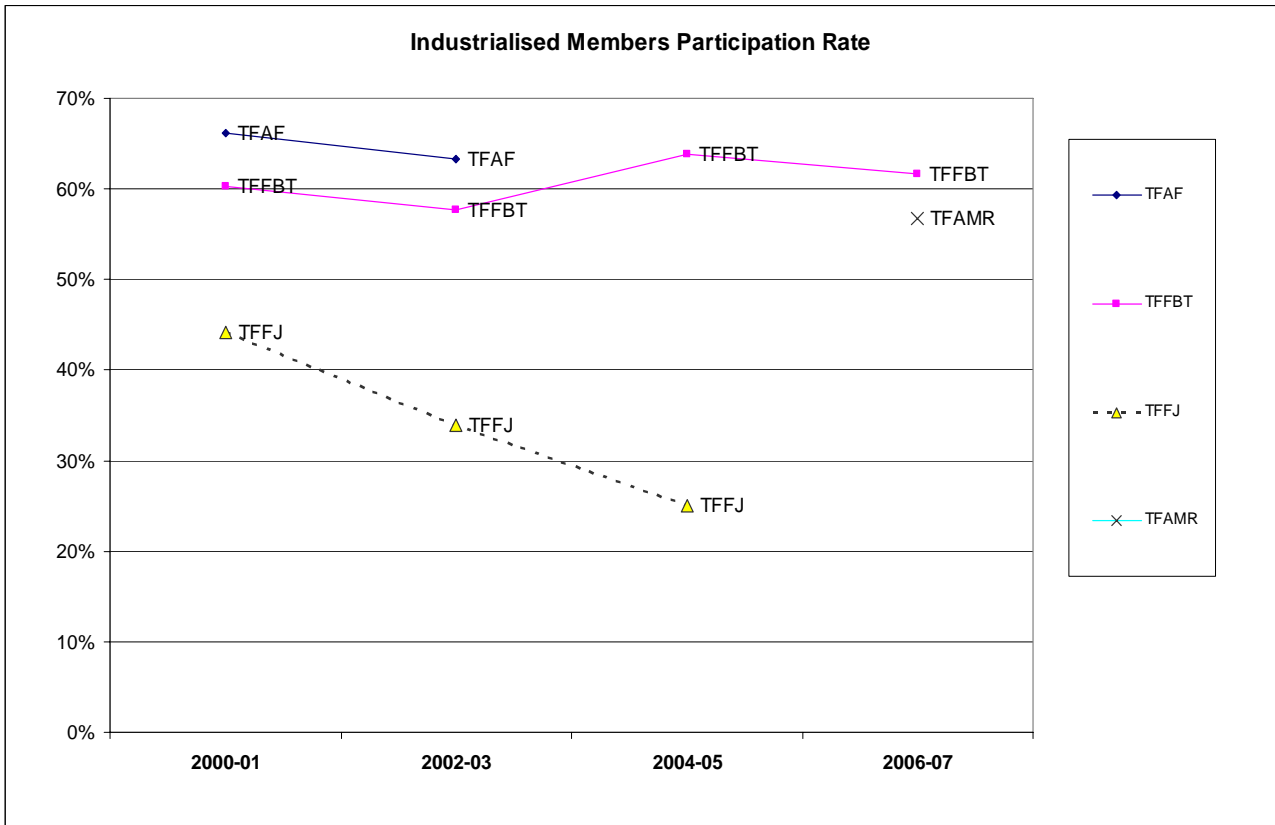
**Figure 9.**



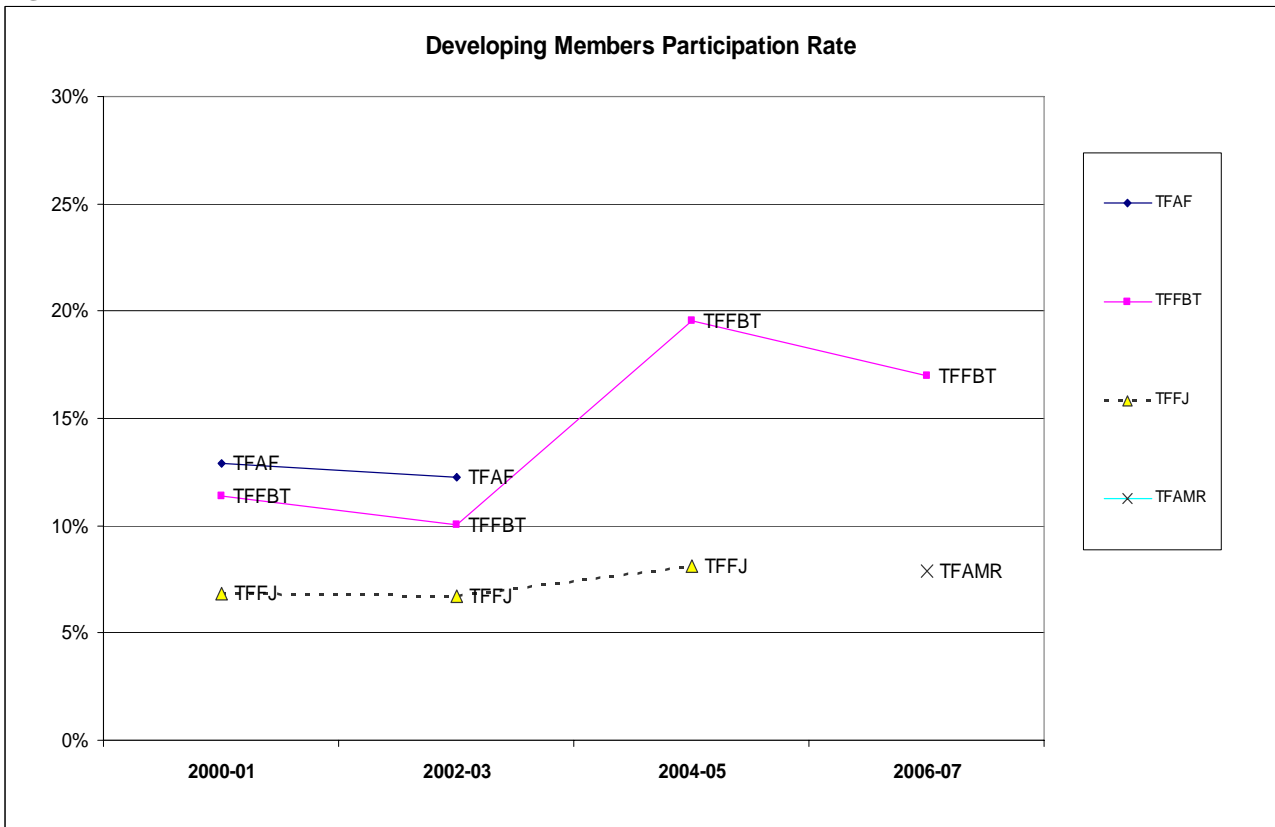
**Figure 10.**



**Figure 11.**



**Figure 12.**

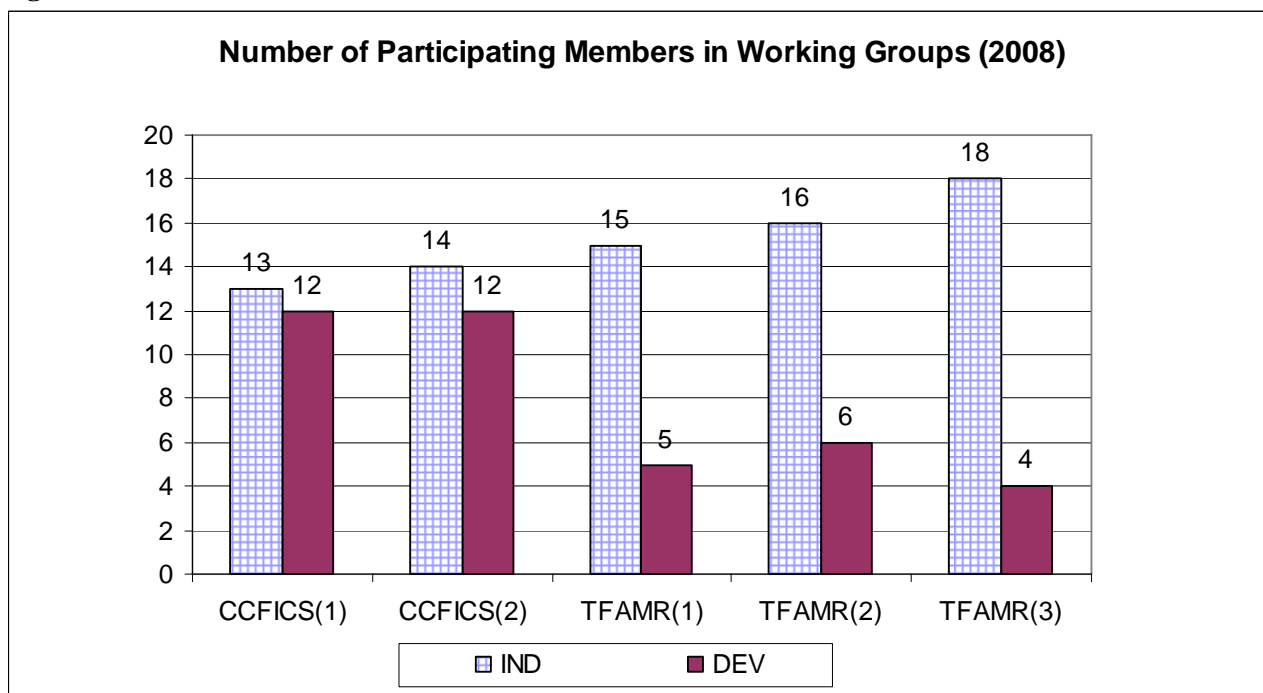




**Table 2. Number and Rate of Participating Members in 2008 Working Groups by Member Category**

Working Group	Date	Venue	IND		DEV		Total	
			N	%	N	%	N	%
CCFICS(1)	8-9/VII	Brussels	13	31%	12	9%	25	14%
CCFICS(2)	10-11/VII	Brussels	14	33%	12	9%	26	15%
TFAMR(1)	26/V	Brussels	15	36%	5	4%	20	11%
TFAMR(2)	27-28/V	Brussels	16	38%	6	4%	22	12%
TFAMR(3)	29-30/V	Brussels	18	43%	4	3%	22	12%

**Figure 13.**



**Figure 14.**

