



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx COMMITTEE ON GENERAL PRINCIPLES

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PROPOSED AMENDMENT TO THE PRINCIPLES CONCERNING THE PARTICIPATION OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE WORK OF THE CODEx ALIMENTARIUS COMMISSION

(Prepared by the Codex Secretariat in collaboration with the Legal Offices of FAO and WHO)

BACKGROUND

1. In reviewing the issue of the double representation of international non-governmental organizations (INGOs) with observer status¹, the Codex Secretariat noted that the manner in which the double representation clause appeared in the *Principles concerning the participation of international non-governmental organizations in the work of the Codex Alimentarius Commission* (hereinafter, the “Principles”) (*Codex Procedural Manual*, Section VII, paragraph 24 refers) could lead to misinterpretation.
2. In particular, it was noted that the inclusion of the clause under the heading “International non-governmental organizations neither having status with FAO nor official relations with WHO”, could be interpreted as implying that the double representation clause does not apply to the INGOs having status with FAO and/or official relations with WHO, which are covered by paragraph 18.
3. Recalling that the double representation clause is meant to prevent two entities from speaking to the same point where one is a member of the other, and to guard against advantaging the perspective of one group regardless of its relationship with FAO and/or WHO, it is proposed to amend the Principles by inserting a separate heading entitled “Relations between international non-governmental organizations holding observer status with Codex” above paragraph 24 (see Annex I). This amendment would clarify that the double representation clause applies to all INGOs holding observer status with Codex.
4. This proposal was initially presented to the 86th session of the Executive Committee (CCEXEC86)², which recommended that CAC47 invite the Codex Committee on General Principles (CCGP) to consider it at its next session, with input from the Legal Offices of FAO and WHO, as necessary. CAC47³ agreed with this recommendation and requested CCGP34 to consider the proposed amendment herein, which was prepared by the Codex Secretariat in consultation with the Legal Offices of FAO and WHO.

RECOMMENDATION

5. CCGP34 is invited to consider the proposed amendment to the Principles, as outlined in paragraph 3 and Annex I of this document.

¹ CX/EXEC 23/85/5

² REP24/EXEC1, paragraph 96, ii

³ REP24/CAC, paragraph 22

Annex I**Principles concerning the participation of international non-governmental organizations in the work of the Codex Alimentarius Commission**

(...)

Procedure for obtaining observer status**International non-governmental organizations having status with FAO and/or official relations with WHO**

18. Observer status shall be accorded to those INGOs in consultative status, specialized consultative status or liaison status with FAO or INGOs having official relations with WHO that inform the Secretary of the CAC of their desire to participate in the work of the Commission and/or any or all of the Commission's subsidiary bodies¹ on a regular basis. They may also request invitations to participate in specific sessions of the Commission or its subsidiary bodies on an ad hoc basis.

International non-governmental organizations neither having status with FAO nor official relations with WHO

19. Before any form of formal relationship is established with a non-governmental organization, such organization shall supply the Secretary of the Commission with the information outlined in the Annex to these procedures.

20. The Secretary of the Commission will verify the completeness of the information provided by the organization and will also perform an initial assessment of whether the organization appears to meet the requirements indicated in paragraph 16 of these principles. In case of doubt, he or she will consult with the Directors-General of FAO and WHO and may seek further information and clarifications from the organization as appropriate.

21. Upon satisfactory completion of the verification and assessment referred to in the previous paragraph, the Secretary of the Commission will submit the application and all relevant information received from the applicant to the Executive Committee for its advice, pursuant to Rule IX.6 of the Rules of Procedure of the CAC.

22. The Secretary of the Commission will transmit the application, together with all relevant information received from the applicant and the advice of the Executive Committee, to the Directors-General who will decide whether an organization is to be granted observer status. In case of rejection of an application, a re-application by the same organization shall not normally be considered until two years have elapsed since the Directors-General's decision on the original application.

23. The Secretary of the Commission shall inform each organization of the Directors-General's decision on its application and shall provide a written explanation of the decision in case of rejection.

Relations between international non-governmental organizations holding observer status with Codex

24. Observer status at specific meetings will not normally be granted to individual organizations that are members of a larger organization authorized and that intends to represent them at these meetings.

¹ The term "subsidiary bodies" means any body established under Rule XI of the Commission's rules of procedure.