

## CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
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World Health  
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: [codex@fao.org](mailto:codex@fao.org) - [www.codexalimentarius.org](http://www.codexalimentarius.org)

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**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

**CODEX COMMITTEE ON GENERAL PRINCIPLES**

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**REVIEW OF THE APPLICATION OF THE *CRITERIA AND PROCEDURAL GUIDELINES FOR CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES WORKING BY CORRESPONDENCE***

*(Prepared by the Codex Secretariat)*

**1. INTRODUCTION**

1.1 The 44th session of the Codex Alimentarius Commission CAC44 (2021) adopted the criteria and procedural guidelines for committees working by correspondence (CWBC) to be included in the *Codex Procedural Manual*, Section 3.<sup>1</sup> Since then, two committees have worked by correspondence using these procedural guidelines, the Codex Committee on Fish and Fishery Products (CCFFP) and the Codex Committee on Cereals, Pulses and Legumes (CCCPL).

1.2 CCFFP had already held one session working by correspondence, CCFFP35, in 2021 in advance of adoption of the new procedural guidelines, although it had taken into consideration the draft guidance developed by the Codex Committee on General Principles (CCGP). CCFFP36 was also convened by correspondence, in 2024. Both sessions used the Codex electronic forum as a means of discussing the agenda items, with the exception of the adoption of the report which was conducted by means of a virtual meeting with simultaneous presence.

1.3 In recommending that CCCPL work by correspondence, the 87th session of the Executive Committee of the Codex Alimentarius Commission (CCEXEC87) (2024) suggested considering additional modalities such as an electronic working group (EWG) or virtual meetings with simultaneous presence to facilitate more in-depth technical discussions and ensure efficient progress.<sup>2</sup>

1.4 In this context, the Codex Secretariat acknowledged that the procedures for working by correspondence as contained in the *Codex Procedural Manual* did not specifically take account the range of virtual tools available and proposed that CAC47 allow flexibility to use such tools, thus enabling more dynamic and effective collaboration in line with current technological capabilities.<sup>3</sup>

1.5 CCEXEC87 noted the following:

- i) There were questions about whether the current provisions for committees working by correspondence were sufficiently clear and robust, or whether a more detailed review was necessary to align them with evolving practices.
- ii) The transition from correspondence to virtual modes required clarification, as at the time the *Criteria and procedural guidelines for Codex committees and ad hoc intergovernmental task forces working by correspondence* were developed, procedures for use of virtual tools were not available. Nowadays, there was an opportunity to integrate various technologies to enhance the work process.
- iii) The thirty-fourth session of the CCGP (2025) was seen as an appropriate opportunity to address the above concerns and establish clearer procedures for reactivating committees and effectively using virtual tools, drawing on the experiences to date of CWBC.

<sup>1</sup> REP21/CAC, paragraph 36

<sup>2</sup> REP24/EXEC2, paragraph 72

<sup>3</sup> REP24/EXEC2, paragraph 73

- iv) A circular letter (CL) had already encouraged host secretariats and Members to review outdated sections of the *Codex Procedural Manual*, and the section on reactivating committees and use of modern tools had been identified as an area requiring attention, as current practices had begun to diverge significantly from the provisions in the *Codex Procedural Manual*.<sup>4</sup>

1.6 In sum, CCEXEC87 noted a general support by Members to review the relevant provisions in the *Codex Procedural Manual* with a view to ensuring consistency with the current practices.

1.7 In this respect, and in line with the recommendation of CCEXEC87, CAC47 (2024) requested CCGP34 to review the application of the provisions in the *Codex Procedural Manual* relating to CWBC, informed by experiences to date and make recommendations for consideration by CCEXEC89 and CAC48.<sup>5</sup>

## 2. BACKGROUND

2.1 CAC and CCEXEC have for decades used working by correspondence for advancing the standard development work of Codex in a manner that is efficient and cost-effective.<sup>6</sup> Working by correspondence is considered to be of particular relevance to sporadic work, not too complex in nature, that would normally have been assigned to committees that have been adjourned *sine die*. It is worth noting that in several instances Members highlighted that convening a CWBC would be an exception and should only be considered in specific circumstances or situations. It is with this view in mind, that in the *Codex Procedural Manual*, the decision on whether approved new work should be undertaken by a CWBC rests with the Commission.

2.2 At CCGP31 (2019), the legal offices of FAO and WHO presented a discussion paper on procedural guidance for CWBC.<sup>7</sup> The paper highlighted the procedural challenges of working by correspondence. In addition, it reviewed the practice of correspondence procedures in the United Nations, and compared committees working by correspondence with EWGs. CCGP31 agreed to set up an EWG, chaired by New Zealand and co-chaired by the United States of America, Germany and Japan, to: (i) develop criteria to identify work appropriate to be undertaken by committees working by correspondence and develop procedural guidance for such committees; and (ii) consider, and make recommendations as appropriate, whether procedural changes related to committees working by correspondence are necessary.

2.3 At CCGP32 (2021), procedural guidance for CWBC, as prepared by the EWG set-up by CCGP31, was presented and discussed.<sup>8</sup> CCGP32 made several changes to the procedural guidance proposed, including deleting the reference to the use of virtual sessions for a CWBC. CCGP32 still recognized that CWBC may include the use of virtual technology for informal discussions and working groups similar to other Codex committees.<sup>9</sup>

2.4 During the discussions at CCGP31 and CCGP32, there were diverging views among Members on the differences between CWBC and committees holding virtual sessions, particularly following the experience during the COVID-19 pandemic. Members considered that it was premature to discuss the integration of virtual means into CWBC, noting that the distinguishing factor was the simultaneous participation of Members to the committee, in either a physical or virtual setting, as opposed to CWBC. Nonetheless, the guidance on CWBC mentioned the possibility for the chairperson of the CWBC to hold informal consultations by using virtual technologies.

2.5 CAC44 also amended the definition of CWBC to provide some flexibility as to the simultaneous presence of participants.

## 3. EXPERIENCE WITH CWBC

3.1 In preparing this document, the Codex Secretariat:

- i) considered feedback received from Members primarily through the satisfaction surveys of CCFFP35 and CCFFP36;
- ii) interviewed the two host countries of committees currently working by correspondence asking for feedback on their experience and suggestions on potential improvements in the guidance on CWBC, particularly related to working by virtual means. Interviews were held with the United States of America, as host country of both CCCPL and the Codex Committee on Processed

<sup>4</sup> REP24/EXEC2, paragraph 74

<sup>5</sup> REP24/CAC, paragraph 22(iv)

<sup>6</sup> For example, CAC34 in 2011 re-activated the Codex Committee on Sugars (CCS) to work by correspondence to draft a worldwide standard for "panela"; and CAC37 in 2014 reactivated the Codex Committee on Milk and Milk Products (CCMMP) to work by correspondence to draft two draft standards; for processed cheese and dairy whey permeate powder.

<sup>7</sup> CX/GP 19/31/3

<sup>8</sup> CX/GP 21/32/4

<sup>9</sup> REP21/GP

Fruits and Vegetables (CCPFV) which worked by correspondence during 2018-2020; and with Norway as host of CCFFP; and

- iii) reviewed its experience in supporting CWBC.

### ***CWBC as a meeting modality for Codex subsidiary bodies***

3.2 While working by correspondence is a decades long practice within the CAC and has been implemented in different ways according to the means available, the advancement of technology and the experience gained during the COVID-19 pandemic, allowed for the possibility to hold an entire session of a Codex subsidiary body meeting virtually, or physically with the option of virtual participation (so-called hybrid modality). This raises the question of whether working by correspondence continues to offer a meaningful modality.

3.3 Host countries interviewed found that holding a CWBC remained a cost-effective and efficient alternative to address new work which was limited in scope and not too complex, and advocated for keeping this modality. It was also noted that working by correspondence can be more cost-effective for Members and Observers as it does not involve travel and the time commitment can be spread out due to the asynchronous manner in which the discussion is convened. In this context, Members indicated that the timeframe in which a CWBC is conducted is important so as to ensure sufficient time for deliberation and interaction among those working in different time zones.

3.4 However, it was recognized that clarifications were needed on the use of virtual means for discussions requiring simultaneous presence of participants within a CWBC.

### ***Use of simultaneous presence virtual discussions***

3.5 The current procedures indicate that CWBC “*normally not hold sessions that require the simultaneous presence of participants*” (paragraph 57) and that “*when a CWBC is not able to progress its work, it may recommend alternative working mechanisms to working by correspondence to the Commission which may include but are not limited to: a) convening a session that requires the simultaneous presence of participants:.....*” (paragraph 81). This indicates that only where work cannot be progressed, a CWBC may recommend alternative working mechanisms, including a virtual session with simultaneous presence, subject to agreement of the Commission.

3.6 Since the adoption of the guidance on CWBC, the simultaneous presence of all participants has only been used for the purpose of report adoption with the aim of ensuring a timely conclusion of the session. The feedback from participants of CCFFP36 through the satisfaction survey was overall positive regarding this approach to report adoption.

3.7 Bearing in mind recent experiences with simultaneous presence virtual discussions and their value, additional flexibility within a CWBC to convene parts of its work with simultaneous presence virtual discussions could increase efficiency and productivity and may provide the chairperson with an additional tool to reach consensus. However, this would also have cost implications for host countries, for example in terms of the provision of simultaneous interpretation. Nevertheless, this modality would need to be limited to only parts of the work of the CWBC to avoid the CWBC becoming a *de facto* committee working with simultaneous presence.

### ***Scope of the work of a CWBC***

3.8 As noted in the Background section, the purpose of a CWBC was initially to focus on a particular issue as determined by CAC. When the modality was first applied, CWBC would address an issue as defined by CAC only: either preparatory work for a physical session, or new work proposals not too complex in nature. If the issue being discussed would become too challenging to be addressed by correspondence, a physical meeting would be convened.

3.9 The procedures for CWBC provide that the rules of procedure of the Commission apply *mutatis mutandis* to CWBC, unless indicated otherwise. In fact, there has been a tendency to prepare an agenda in the same way as is done for a committee meeting with simultaneous presence. While this can be beneficial in that it may allow issues arising from other committees, such as consequential amendments of standards, that have been pending to be addressed in the case of a committee that has been adjourned *sine die*, it can also lead to the expansion of the agenda beyond the issue defined by CAC, which can become more difficult to manage when working by correspondence. In the recent experience of CCFFP and CCCPL, the adopted agenda included matters arising from the Codex Alimentarius Commission and its subsidiary bodies and matters arising from the work of FAO and WHO, which could lead to additional items for action. The inclusion of the item “other business” also provided Members with the option of adding further topics for consideration by CWBC.

3.10 In the circumstances, it is considered that the decision of CAC to assign work to be undertaken by a CWBC needs to take into account the criteria as stated in the *Codex Procedural Manual* (paragraph 61), and that the CWBC should only undertake work as identified by CAC. It is noted that in cases where committees have been adjourned *sine die*, there may be issues that arise and would be within the terms of reference of that committee and the question is whether the CWBC should address only the topic assigned by CAC, or should also consider other issues. This specific question was raised as part of the recent work by correspondence of CCFFP and CCCPL and it was addressed with the aim of ensuring efficiency and undertaking necessary updates to texts in a timely manner. However, this is an aspect where greater clarity would be needed to ensure a common understanding of the role of CWBCs.

3.11 With regard to proposals for new work, which could include revision of existing texts, there is benefit in having these discussed in a technical forum before submission is made to CAC for approval. CWBC could provide this forum. This would not mean the proposals would automatically be added to the agenda of that CWBC as all decisions on new work are taken by CAC.

#### **4. PROPOSED WAY FORWARD**

##### ***Use of simultaneous presence through virtual discussions***

4.1 The procedures for CWBC have brought more structure, although there is still limited experience in their implementation. In this context it may be premature to consider extensive changes to the procedures.

4.2 CWBC are a cost-effective way of working on specific topics and therefore would seem to be a valid modality to retain in the Codex toolbox. Nevertheless, providing chairpersons with additional tools that would allow virtual discussions with simultaneous presence to address a specific issue could support the efficient conclusion of an item.

4.3 The definition of CWBC indicates that “normally” CWBC will not hold sessions that require simultaneous presence of participants. This ensures that the standard way of conducting a session is by correspondence, but that consideration may be given to other tools for parts of the sessions, when needed, without changing the main working mode of the committee.

4.4 In light of the above, an amendment is proposed to paragraph 59 of the *Criteria and procedural guidelines for Codex committees and ad hoc intergovernmental task forces working by correspondence* in the *Codex Procedural Manual* to provide the flexibility, in exceptional circumstances, to address specific issues using simultaneous presence by virtual means, should this modality be considered by the Chairperson in consultation with the Codex Secretariat necessary for the efficient conclusion of the item.

##### ***Scope of the work of a CWBC***

4.5 Clear guidance by CAC on the scope of a CWBC when it is assigned work by correspondence, such as a clear statement of tasks to be undertaken, would help ensuring clarity and a common understanding on the scope of the work to be undertaken and the relevant timeframe. Assigning work by correspondence to a Codex committee adjourned *sine die* may lead Members to identify additional work such as revision of existing texts previously developed by that Committee. It is proposed that this should not prevent the CWBC from discussing potential areas of new work to be proposed to CAC, noting that all decisions regarding new work are taken by CAC.

4.6 Additional text is also proposed (new paragraph 62) to indicate that the CWBC would address only the topic(s) assigned by CAC.

##### ***Proposals for editorial amendments stemming from the review of Section 3 in the Codex Procedural Manual***

4.7 Additional proposals for editorial amendments, have been identified by the working group of host country secretariats in the preparation of the Agenda Item 4.1 document *Codex Procedural Manual: Review of the procedures in Section 3: Guidelines for subsidiary bodies*<sup>10</sup> for consistency with other parts of section 3.<sup>11</sup> These are included in this document to facilitate a comprehensive discussion of Section 3.4.

##### ***Amended version***

4.8 The proposed amendments to the *Criteria and procedural guidelines for Codex committees and ad hoc intergovernmental task forces working by correspondence* are contained in Appendix I of this document.

<sup>10</sup> CX/GP 25/34/4

<sup>11</sup> Paragraphs 65, 73, 74, 76, 85 and footnote xix

**5. RECOMMENDATIONS****5.1** CCGP34 is invited to:

- consider the proposed amendments to the guidance on CWBC as contained in Appendix I of this document, and agree on the amendments, if any, to be recommended for adoption by CAC48; and
- consider requesting that CAC provide a clear statement of tasks and timeframe when assigning work by correspondence.

**CODEX ALIMENTARIUS COMMISSION PROCEDURAL MANUAL - 30TH EDITION****Section 3, Guidelines for subsidiary bodies****Criteria and procedural guidelines for Codex committees and ad hoc intergovernmental task forces working by correspondence**

Proposed amendments are shown in **bold**, ~~strike through~~ and underlined

**Introduction**

56. The criteria and procedural guidelines set out in this section are intended to guide the work and conduct of sessions of Codex committees and ad hoc intergovernmental task forces working by correspondence. The rules of procedure of the Commission apply *mutatis mutandis* to committees working by correspondence, unless otherwise specified in these guidelines.

**Definitions**

57. Working by correspondence: Describes a working modality that can be assigned by the Commission for the development of an approved new work to a Codex committee or ad hoc intergovernmental task force, which will normally not hold sessions that require the simultaneous presence of participants.
58. Committees and ad hoc intergovernmental task forces that are assigned to operate under this modality are defined as committees working by correspondence (CWBC) in the remainder of this document.
59. Session of a CWBC: After the Commission approves the work, assigns it to the committee, and authorizes the committee to work by correspondence, the chairperson of the committee in consultation with the Codex Secretariat will determine dates for registration of Codex Members and Observers to participate in committee deliberations over a defined period of time that will constitute a “session” of the committee. The duration of the session should be of sufficient length to allow for deliberations on agenda items and report adoption. During a session of a CWBC, participants engage in formal consultations by correspondence. **However, the Chairperson, in consultation with the Codex Secretariat, may exceptionally propose that a specific issue be discussed by simultaneous virtual presence of participants if deemed necessary for the efficient conclusion of the item.**

**Codex values**

60. An overarching consideration and guiding principle in relation to CWBCs is the need to respect and adhere to the Commission’s core values of collaboration, inclusiveness, consensus building, and transparency.

**Decision to assign work by correspondence**

61. In deciding whether an approved new work should be undertaken by a CWBC, the Executive Committee and the Commission’s assessment will take into account the following criteria:

Criteria	Reference
i. Scope, objective, and content	Project document
ii. Nature and complexity of the work and its previous and recent history in Codex (for example, this may include, <i>inter alia</i> , the time frame to develop the work)	Meeting reports Project document
iii. Urgency and importance	Project document
iv. Availability of adequate scientific information and/or other supporting information, including any support from expert bodies	Project document
v. Potential for assigning the work to another existing committee, with relevant expertise. This should take into consideration whether the work can reasonably be expected to be completed within a set time frame.	Terms of reference (ToR) of existing Codex committees

**NEW paragraph: The CWBC would address only the topic assigned by CAC.**

**Verification of membership and credentials for participation**

62. The status and credentials of participants in sessions of CWBCs are subject to scrutiny and verification by the Codex Secretariat, according to official information provided by CCPs.
63. Before work in a CWBC commences, and before each subsequent session of a CWBC, there shall be a period for registration (opening/closing date) during which Members and Observers may register. After the registration period closes, work of the CWBC will take place among participants (i.e. communication will not be copied to the whole Codex membership) between the starting date and end date of a CWBC session as communicated in the invitation.

**Sessions**

64. To ensure comparability of sessions of committees and ad hoc intergovernmental task forces meeting with simultaneous presence of participants and those meeting by correspondence, a session of a CWBC is defined as in paragraph 59.
65. The time frames for implementing the workplan, **official** working languages, and tasks for the session of the CWBC including the time frames for preparation of working documents <sup>xix</sup> shall be clearly documented and shall be agreed by Members at the outset of the session of the CWBC.
66. The agenda, working documents, and reports should be published on the Codex website.
67. The work and outputs of the CWBC are subject to critical review by the Executive Committee prior to submission to the Commission.
68. Each session of the CWBC shall be concluded within the time frame prescribed by the Commission.

**Languages**

69. Use of languages for CWBCs shall be in line with Rule XIV of the rules of procedure of the Commission.<sup>xx</sup>
70. It is the responsibility of the host government to ensure adequate funding for translation of working documents and the reports.

**Determining a quorum**

71. The quorum shall be calculated on the basis of Rule VI (7) of the rules of procedure of the Commission,<sup>xxi</sup> on the understanding that the majority of Members “attending the session” is construed as those having registered for the session within the registration period under paragraphs 62 and 63.
72. The absence of a quorum shall be reported to the Commission for further guidance.

**Roles of the chairperson and the Codex Secretariat**

**The role of the chairperson**

73. The guidelines to chairpersons of Codex committees, **coordinating committees** and ad hoc intergovernmental task forces<sup>xxii</sup> apply *mutatis mutandis* to chairpersons of CWBCs.

In particular, chairpersons of CWBCs should ensure that:

- a) All communications are open to all participating Members and Observers and are carried out in an open and transparent manner and in accordance with any guidelines or protocols that may be established by the Commission.
  - b) All specific matters raised are fully considered by the CWBC.
  - c) There is enough time and opportunity for Members and Observers to respond or build on comments made by other Members, much like a plenary conversation in real time.
  - d) The reports of the CWBC clearly document where there are ~~are~~ significant points of difference either in relation to the content of the work or with respect to the advancement of a standard through the step process.
  - e) The rules/procedures specified in the Codex *Procedural Manual* are adhered to in the CWBC setting.
74. The chairperson(s) of CWBCs may be supported by one or more **assistants or** co-chairpersons.

<sup>xix</sup> See Section 3.1: Guidelines to host governments of Codex committees, **coordinating committees** and ad hoc intergovernmental task forces

### The role of the Codex Secretariat

75. The Codex Secretariat shall perform its usual functions in support of the efficient operation of the CWBC, including verification of credentials of participants, preparing and circulating CWBC documents, and providing guidance and support to the chairperson on procedural and other matters relating to the work of the CWBC.

### Consensus

76. Chairpersons of CWBCs should make every effort to promote consensus-based decision-making, which may include informal discussions by using virtual technologies, and should also consider implementing measures as described in Section 3.3: Guidelines to Chairpersons of Codex committees, coordinating committees and ad hoc intergovernmental task forces to facilitate consensus building in the elaboration of standards at the committee stage.

### Interpretation of silence

77. Means of communication to signal support or objection shall be explicitly clarified in advance of sessions. It is, however, understood that silence or the absence of specific contrary views or objections shall be taken to mean tacit agreement or no objection to proceed as proposed by the chairperson. This point should be clearly communicated to all participants to avoid any misunderstanding when seeking comment on specific matters under discussion including proposed conclusions on progression of a standard through the step process. Chairpersons should allow sufficient time for response to make sure that silence is not the result of temporary technical problems.

### Advancement of standards and related texts

78. In determining the level of consensus when progressing through the step process, chairpersons should typically propose a conclusion for consideration by Members, which may be modified and presented as revised to achieve consensus. The same practice should be followed by CWBCs. For example, a chairperson could propose a conclusion to advance a standard by asking a specific question, such as: *"Is there any objection to advancing the draft standard to Step X?"*
79. CWBCs may use a similar approach, including when determining the level of consensus on more detailed points of discussion, such as text changes.
80. Reservations in the correspondence setting should be treated in the same manner as reservations in a physical meeting (i.e. by specifying the basis or rationale of the delegation's opposition to a decision) and should be recorded in the meeting report upon request.<sup>xxiii</sup>

### Options when a CWBC is not able to progress work

81. When a CWBC is not able to progress work, it may recommend alternative working mechanisms to working by correspondence to the Commission, which may include but are not limited to:
- a) convening a session that requires the simultaneous presence of all participants;
  - b) referring the work to another committee (other than the original committee) that has relevant expertise on the topic under consideration; or
  - c) discontinuing the work.
82. In addition, the chairperson has the opportunity, as part of the critical review process, to report on the status of work and prospects for advancement to the Commission for its consideration.

### Voting

83. While the rules of procedure of the Commission provide for voting in situations where all efforts to achieve consensus have failed, CWBCs shall not resort to voting to resolve differences. In this regard, Rule VIII shall not be applicable to CWBCs.
84. Instead, the option of alternative mechanisms (as described above) to resolve differences which cannot be addressed otherwise shall be submitted to the Commission for its consideration.

### Reporting to the Commission

85. CWBCs shall report to the Commission. As with reports of physical sessions of Codex committees and ad hoc intergovernmental task forces, reports of CWBCs shall be prepared by the Codex Secretariat in consultation with the chairperson and the host country secretariat.
86. The conventions and practices that apply to drafting of reports of committees holding physical meetings should also be observed, to the extent relevant, by CWBCs. Reports of CWBCs should be objective and accurately reflect the discussions, conclusions, and recommendations.



87. Members of CWBCs have the right to ask that their positions, including reservations and opposition to a recommendation or decision, be recorded in the report of the **CWBC**.
88. Members of CWBCs should refrain from raising issues or seeking inclusion of comments that were not relevant to the matters under consideration, and such comments will not be included in the report of the session consistent with the Commission's procedure and practice.
89. The draft report of the CWBC session should be made available to all participants who were registered in the session within one week of the conclusion of the agenda and deliberations. The procedures for review and comments should be clearly communicated to all participants.
90. The Codex Secretariat should circulate the final report, as adopted, in not less than three of the working languages of the Commission, within one month of conclusion of the CWBC session.