

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
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Agenda item 8

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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

(Comment of Brazil, India, Indonesia, Philippines and Thailand)

Brazil

Brazil supports changes that can guarantee more flexibility to the methods of work of committees and task forces working by correspondence, provided that such changes strengthen transparency and inclusiveness. Brazil emphasizes the importance of maintaining efforts to adapt the Codex Procedural Manual and other legal texts to the best practices that members have put in practice in different committees, physical and electronic working groups with the support of virtual meetings, when needed, as long as these changes do not cause operational difficulties.

India

- **Comment :** In paragraphs 69,71,73 and 80 references are not mentioned (xx, xxi, xxii, xxii) in the foot note, therefore India proposes to mention the footnote for the same.

Rationale : Editorial

- **Comment :** In paragraph 74 India proposes to add the term one assistant or co-chairperson instead of one or more assistants or co-chairpersons

Proposal:

The chairperson(s) of CWBCs may be supported by ~~one or more assistants or co-chairpersons~~ one assistant or co-chairperson

Rationale: In order avoid inconsistency in handling the work and smooth conduct of the meeting.

- **Comment :** In option a) of paragraph 81 India proposes to include If possible through the virtual presence of participants after the word participants.

Proposal :

a) convening a session that requires the simultaneous presence of all participants; If possible through the virtual presence of participants

- **Rationale:** As empowered paragraph 59 of the agenda.
- **Comment :** In option b) of paragraph 81, India proposes to include following option next to (b)

Proposal :

“Re-establish the EWG with revised ToR, if any and convene next session after reporting the same to the commission”

Rationale: The proposal is as per existing practice in case of physical meetings

- **Comment :** In paragraph 82, India proposes to add the word by CCEXEX after the word critical review process.

Proposal:

In addition, the chairperson has the opportunity, as part of the critical review process by CCEXEC, to report on the status of work and prospects for advancement to the Commission for its consideration

Rationale: Since critical review process is done by CCEXEC.

Indonesia

Indonesia would like to extend its appreciation to the Codex Secretariat for preparing the comprehensive Review of the Application of the Criteria and Procedural Guidelines for Codex Committees and Ad Hoc Intergovernmental Task Forces Working by Correspondence (CWBC).

Indonesia acknowledges the importance of CWBC as a meeting modality, in addition to virtual and physical sessions, particularly for Codex Subsidiary Bodies meetings with limited agendas that do not require the simultaneous presence of the members. However, Indonesia would like to emphasize the importance of maintaining flexibility to transition to virtual session during CWBC session, when necessary, particularly to address specific issues requiring a real-time conclusion. Furthermore, Indonesia also emphasizes that CWBC sessions should strictly adhere to the TOR established by the CAC and should not introduce additional agenda items during the session.

In this regard, Indonesia supports the proposed amendments to the CWBC guidance, as outlined in Appendix I, and supports its adoption by CAC48.

Additionally, Indonesia agrees that the CAC should establish clear statements of task and well-defined timeframes when assigning work by correspondence to ensure efficiency and transparency.

Philippines

General Comments:

The Philippines commends the work of the Codex Secretariat in preparing the working document for the proposed revisions for Section 3.4 (Criteria and procedural guidelines for Codex committees and ad hoc intergovernmental task forces working by correspondence) of the Codex Procedural Manual. We generally agree to the proposed revisions in the relevant paragraphs of procedural guidelines for committees working by correspondence (CWBC).

Specific Comments:

3.6 Criteria and procedural guidelines for Codex committees and ad hoc intergovernmental task forces working by correspondence

1. Title, Page 6

Codex Texts	Comments
Criteria and procedural guidelines for Codex committees and ad hoc intergovernmental task forces working by correspondence	Criteria and procedural guidelines for Codex committees, <u>coordinating committees</u> , and ad hoc intergovernmental task forces working by correspondence

Rationale: We propose the following editorial changes consistent with the transversal updates on the terminology discussed under Agenda Item 4.1.

2. Definition, Page 6, Paragraph 59

Codex Texts	Comments
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. <u>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.</u>	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. <u>However, the Chairperson, in consultation with the Codex Secretariat and CWBC Members, 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.</u>

Rationale: We propose adding consultation with CWBC members to ensure that there is a consensus in the conduct of a simultaneous virtual presence of participants. This is in consideration of Paragraph 60 (Codex values) and Paragraph 76 (Consensus) of this procedural guidelines for CWBC.

3. Decision to assign work by correspondence, Page 7, new Paragraph 62

Codex Texts	Comments
<u>NEW paragraph: The CWBC would address only the topic assigned by CAC.</u>	<u>The CWBC would shall only address only the topic assigned by CAC. The CWBC may submit recommendations for new work for approval of CAC, as a result of the discussion on the assigned work.</u>

Rationale: We support the inclusion of the new paragraph 62 for clear guidelines on the scope of work of a CWBC. Further, we suggest using the term "shall" to connote that the provision is mandatory. While we recognized that the scope of work of CWBC is limited to sporadic work and not too complex in nature, we also suggest adding a statement that CWBC may submit recommendations for new work identified within the duration of the CWBC session for consideration by CAC.

4. Sessions, Page 7, New Paragraph 69

Codex Texts	Comments
	New Paragraph 69 69. In case of virtual session for simultaneous presence of participants, the decision on the choice of virtual platform should consider the technological accessibility of CWBC Members. The host country, in consultation with the Chairperson and Codex Secretariat, shall decide on the virtual platform to be used for the session considering the internationally available platforms.

Rationale: We proposed including a new paragraph 69 under Sessions section in response to the clarifications raised on the use of virtual means for discussions requiring simultaneous presence of participants within a CWBC.

5. Determining a quorum, Page 7, Paragraph 71-72

Codex Texts	Comments
71. The quorum shall be calculated on the basis of Rule VI (7) of the rules of procedure of the Commission, ^{xxi} 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.	Clarification on how to determine that a quorum is observed within the duration of the session (post registration to participate in CWBC).

Rationale: The clarification is raised to set clear guidelines in determining a quorum and to ensure that registered members to the session could meaningfully participate and consensus is reached for the assigned topic.

6. Options when a CWBC is not able to progress work, Page 8, Paragraph 81, Item a

Codex Texts	Comments
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;	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 virtual presence of all participants;

Rationale: We propose the addition of the term “virtual” consistent with CWBC meeting modality.

Thailand

(The following comments include the previous Thailand’s comments on CL 2025/34-GP and additional comments from the CL 2025/34-GP.)

In general, Thailand agrees with the amendment of Section 3.4 Criteria and procedural guidelines for Codex committees and ad hoc intergovernmental task forces working by correspondence (CWBC) to be practical and clearer. However, we would like to propose some specific comments to support the effective operation of CWBC as the following details.

- **Paragraph 59 :** In paragraph 59, we suggest amending “specific issue” to “specific issues” to allow greater flexibility in cases where there is more than one specific issue that is difficult to reach a conclusion by correspondence, so that simultaneous presence virtual discussions can be used.
- **New paragraph 62:** In principle, Thailand agrees that the CWBC will only work as assigned by the CAC, in line with other active committees that work through physical meetings. In addition, the CAC has carefully considered that the assigned tasks are appropriate for the correspondence model. However, we observed that there may be confusion and inconsistency between the proposed text in this new paragraph and proposed new paragraph 31 of Section 2, Part 7 in the CX/GP25/34/6 (or paragraph 30 in the 30th edition of Codex Procedural Manual) stipulating that “*proposals for amendments or new editions of Codex standards and related texts should be submitted to the Commission by the subsidiary body concerned.*” With this, in situations where a committee that has been adjourned sine die is reactivated as CWBC, it may imply that any proposal for an amendment or a revision cannot be considered prior submit to the CAC for approval as a new work since it would fall outside the scope of the mandate ever assigned by the CAC, as specified in the new paragraph 62.

Therefore, we would like to recommend the CCGP to consider and clarify the process of submission of discussion papers and/or project documents to subsidiary bodies for consideration, prior propose to the CAC for approval, in case where the subsidiary body operates in a correspondence format. Also, the CCGP should further amend the both texts to be consistency.

- **Paragraph 65:** Thailand has no objection to the addition of the proposed term “official” in this paragraph.
- **Paragraph 73 and paragraph 76:** Thailand agrees with the addition of the proposed term “coordinating

committees” in this paragraph, as it helps to improve clarity and agrees with the correction of the typographical error.

- Paragraph **74**: Thailand agrees with the addition of the proposed term “assistants or” in this paragraph, as it would enable the Chair to work more efficiently.
- Paragraph **85**: Thailand has no objection to the addition of the proposed text “and the host country secretariat” in this paragraph.
- Paragraph **87**: Thailand agrees with the correction of the typographical error.