

## APPENDIX II

CODEX PROCEDURAL MANUAL, REVIEW OF THE PROCEDURES IN SECTION 3:  
GUIDELINES FOR SUBSIDIARY BODIESTable 1: Section 3.1 Guidelines to host governments of Codex committees, **coordinating committees** and ad hoc intergovernmental task forces

<p><b>Title</b></p> <p>3.1 Guidelines to host governments of Codex committees, <b>coordinating committees</b> and ad hoc intergovernmental task forces</p>
<p><b>Introduction</b></p> <p>1. By virtue of Article 7 of the statute of the Commission and Rule XI.1(b) of its rules of procedure, the Commission has established a number of Codex committees and ad hoc intergovernmental task forces to prepare standards <b>and related texts</b> in accordance with Section 2.1: <a href="#">Procedures for the elaboration of Codex standards and related texts</a>, <b>and coordinating committees</b> to exercise general coordination of its work in specific regions or groups of countries. [...]</p>
<p><b>Observers</b></p> <p>3. Any other Member of the Commission or any Member or Associate Member of FAO or WHO which has not become a Member of the Commission may participate as an Observer at any Codex committee if it has notified the Director-General of FAO or WHO of its wish to do so. Such countries may participate fully in the discussions of the committee and shall be provided with the same opportunities as other Members to express their point-of-view (including the submission of <a href="#">memoranda/comments</a>), but without the right to vote or to move motions either of substance or of procedure. International organizations which have formal relations with either FAO or WHO, should also be invited to attend, in an observer capacity, sessions of those Codex committees which are of interest to them.</p>
<p><b>Chairperson and host country</b></p> <p>5. The host country is responsible for appointing the chairperson of the committee from among its own nationals. Should this person for any reason be unable to take the chair, the host country shall designate another person to perform the functions of the chairperson for as long as the chairperson is unable to do so. <b>The chairperson may be supported by one or more assistants-co-chairpersons and/or assistants co-chairpersons designated by the host country. <u>from among its own nationals.</u></b></p>
<p><b>Host country Secretariat</b></p> <p>7. <del>A Member Nation to which a Codex committee has been assigned</del> The host country is responsible for providing all conference services including the secretariat; <b>referred to herein as host country secretariat.</b> The <b>host country</b> secretariat should have adequate administrative support staff able to work easily in <a href="#">at least one of</a> the languages used at the session and should have at its disposal adequate information <b>and communications technology tools for the session to function efficiently. Simultaneous interpretation, preferably simultaneous,</b> should be provided from and into all <b>of the official working</b> languages used at the session, and <del>if the report of the session is to be adopted in more than one of the official working languages of the committee, then the translation services of a translator</del> should be available <b>to translate the report of the session in all the working languages of the committee.</b> <del>The committee secretariat and the Codex Secretariat are charged with the preparation of the draft report in consultation with the rapporteurs, if any.</del></p>

**Duties and terms of reference**

8. The duties of a Codex committee shall include:

- a) the drawing up of a list of priorities as appropriate, among the subjects and products within its terms of reference;
- b) consideration of the types of safety and quality elements (or recommendations) to be covered, whether in standards **and related texts** for general application or in reference to specific food products;
- c) consideration of the types of products to be covered by standards **and related texts** e.g. whether materials for further processing into food should be covered;
- d) preparation of draft Codex standards **and related texts** within its terms of reference;
- e) reporting, **after each of its sessions**, to ~~each session of~~ the Commission on the progress of its work and, where necessary, on any difficulties **encountered, including those** caused by its terms of reference, together with suggestions for their amendment; and
- f) the review and, as necessary, revision of existing standards and related texts on a scheduled, periodic basis to ensure that the standards and related texts within its terms of reference are consistent with current scientific knowledge and other relevant information.

**Date and place**

9. A host country is consulted by the Directors-General of FAO and WHO before they determine when, **and** where **and how** a session of ~~this the~~ committee shall be convened. In determining the place of the session, consideration should be given to its accessibility.

**Co-hosting arrangements**

10. ~~The When considering co-hosting, the~~ host country should consider arrangements for holding Codex sessions in developing countries, ~~when possible~~.

11. The country, different from the host country, in which the session is held is in following herein referred to as "co-host country".

12. The host country and co-host country should agree on financial and all other responsibilities to ensure that all arrangements necessary to hold a Codex session in the co-host country are completed in a timely manner so as ~~to not~~ to interfere with the time frame for the distribution of the official invitations to the session as mentioned in these guidelines.

**Note:** Practical information and timelines for co-hosting arrangements can be found on the Codex website at:

~~www.codexalimentarius.org~~ <https://www.fao.org/fao-who-codexalimentarius/meetings/co-host/en/>.

**Co-host country co-chairpersoning**

13. The host country may invite the co-host country to appoint an official as a co-chair**person** for the session

**Invitations and provisional agenda**

14. Sessions of Codex committees ~~and coordinating committees~~ will be convened by the Directors-General of FAO and WHO in consultation with the chairperson **and the host country secretariat** of the respective Codex committee. The letter of invitation and provisional agenda shall be prepared by the Secretary of the Commission in consultation with the chairperson **and the host country secretariat** of the committee for issue issuance by the Directors-General to all Members and Associate Members of FAO and WHO or, in the case of coordinating committees, to the countries of the region or group of countries concerned. ~~Codex contact points and interested international organizations in accordance with the official mailing lists of FAO and WHO. Chairpersons should, before finalizing the drafts, Before distribution of the invitation and provisional agenda, host country secretariats should~~ inform and consult with their national Codex contact point where one has been established, and, if necessary, obtain clearance from the national authorities concerned (Ministry of Foreign Affairs, Ministry of Agriculture, Ministry of Health, or other authorities as the case may be). The invitation and provisional agenda will be translated and distributed by FAO/WHO **to the Codex contact points**

(CCP) and interested ~~selected~~ interested international organizations, in accordance with the official mailing lists of FAO and WHO, in the ~~official~~ working languages of the ~~Commission~~ concerned committee at least four months before the date of the ~~meeting~~ session.

### Invitations and provisional agenda

15. Invitations should include the following:

- a) title of the Codex committee;
- b) time and date of opening and date of closing of the session;
- c) place of the session and, if appropriate, information on meeting arrangements;
- d) ~~official~~ working languages used at the session ~~to be used and arrangements for interpretation, i.e. whether simultaneous or not~~;
- e) ~~if appropriate, information on hotel accommodation; and~~ information on entry visas;
- f) ~~if appropriate, time and date of the working groups convened in conjunction with the session; and~~
- g) request for Codex contact points and international organizations with observer status to register their delegations through the specified registration system. ~~the names of the chief delegate and other members of the delegation, and for information on whether the chief delegate of a government will be attending as a representative or in the capacity of an Observer.~~

16. Replies to invitations, ~~in the form of registration to the session,~~ will normally be requested to be sent provided in the form of registration to the session ~~to reach the Chairperson~~ as early as possible and in any case not less than 30 days before the session. ~~A copy should be sent also to the Secretary, CAC, Joint FAO/WHO Food Standards Programme, FAO, Rome.~~ It is of the utmost importance that by the date requested in the invitation, delegates ~~of a reply to invitations should be sent by~~ all those governments and international organizations which intend to participate ~~are registered to the session.~~

17. The provisional agenda should state the ~~time,~~ date and place of the meeting-session and should include the following items:

- a) adoption of the agenda;
- b) if considered necessary, ~~election~~ the appointment of rapporteurs;
- c) items relating to subject matter to be discussed, including, where appropriate, the step in the Commission's procedure for the elaboration of standards and related texts at which the item is being dealt with at the session. There should also be reference to the committee ~~papers~~ documents relevant to the item;
- d) any other business;
- e) consideration of date and place of next session; and
- f) adoption of ~~draft~~ the report.

18. The work of the committee and the length of the meeting-session should be so arranged as to leave sufficient time at the end of the session for a report of the committee's ~~transactions~~ discussions and conclusions to be ~~agreed~~ adopted.

**NEW PARA 19.** The Codex Secretariat is charged with the preparation of the draft report, in consultation with the rapporteurs (if any), the chairperson and the host country secretariat. The draft report should be made available in all the ~~official~~ working languages used at the session of the committee in sufficient time for consideration by the delegations.

### Organization of work

19. A Codex ~~or coordinating~~ committee may ~~assign request~~ Member Nations, Member Organizations Members or international organizations represented at sessions of the committee-session to accomplish specific tasks ~~to countries, groups of countries or to international organizations represented at meetings of the committee~~

~~and may ask Members and international organizations for or provide data, information or~~ views on specific points.

20. Ad hoc working groups established to accomplish specific tasks shall be disbanded once the tasks have been accomplished as determined by the committee. ~~, or when the time limit allocated for the work has expired.~~

21. A Codex ~~or coordinating~~ committee may not set up standing subcommittees, whether open to all Members of the Commission or not, without the specific approval of the Commission.

**(TO BE SWITCHED DOWN AS PARA 23) Preparation and Distribution of ~~papers~~ working documents**

22. **(PARA 23)** ~~Papers~~ Working documents for a session should be made publicly available in ~~the relevant~~ all of the ~~official~~ working languages used at the session through the Codex website at least two months before the opening of the session by the Codex Secretariat ~~host secretariat~~ in collaboration with the ~~host country secretariat~~ Codex Secretariat.

**(TO BE SWITCHED UP AS PARA 22) NEW TITLE: Preparation of working documents (add following footnote: See Section 5.1 for references for Codex documents.)**

23. **(PARA 22)** ~~Papers~~ Working documents ~~for a session~~ prepared by participants and working group chairs must be ~~drafted~~ submitted in one or more of the ~~official~~ working languages of the ~~Commission, which should, if possible, be one of the languages used in the~~ Codex committee concerned. These ~~papers~~ documents should be ~~sent~~ made available electronically to the chairperson of the committee, ~~the host country secretariat and the Codex Secretariat with a copy to the Secretary, CAC, Joint FAO/WHO Food Standards Programme, FAO, Rome, in good time~~ at least three months before the opening of the ~~committee session~~ to ensure translation ~~by the host country~~ into the ~~official~~ working languages of the session ~~to be included in the distribution of papers for the session.~~

24. Working documents circulated at a session of a Codex committee other than draft documents prepared at the session and ultimately issued in a final form, should subsequently receive the same distribution as other ~~papers~~ documents prepared for the committee.

25. Codex contact points will be responsible for ensuring that ~~working papers~~ documents<sup>xvi</sup> are ~~circulated~~ available to those concerned within their own country and for ensuring that all necessary action is taken by the date specified.

26. Consecutive reference numbers in suitable series should be assigned to all documents of Codex committees. The reference number should appear at the top right-hand corner of the first page together with ~~a statement an indication~~ of the language in which the document was prepared and the date of its preparation. A clear statement should be made of the provenance (origin or author country) of the ~~paper~~ document immediately under the title. The text should be divided into numbered paragraphs. ~~At the end of these guidelines is a series of references for Codex documents adopted by the Commission for its own sessions and those of its subsidiary bodies.~~

**NEW TITLE. Conference room documents**

**NEW PARA 27.** The reports of working groups held in conjunction with a committee session will be published as conference room documents (CRDs). Comments, ~~proposals or any other information related to the agenda items, received after the established deadline~~ may be published as CRDs ~~as soon as available and up until an established deadline for publication of CRDs at the session.~~ CRDs should be publicly available through the Codex website.

<sup>xvi</sup> See Section 5.1 for references for Codex documents.

**Table 2: Section 3.2 Guidelines on the conduct of meetings of Codex committees, coordinating committees and ad hoc intergovernmental task forces**

<b>Recommendations (new edits in track change)</b>
<p><b>Title</b></p> <p>Section 3.2 Guidelines on the conduct of meetings of Codex committees, <b>coordinating committees</b> and ad hoc intergovernmental task forces</p>
<p><b>Introduction</b></p> <p>27. By virtue of Article 7 of the statutes of the Commission and Rule XI.1(b) of its rules of procedure, the Commission has established a number of Codex committees and ad hoc intergovernmental task forces to prepare standards <b>and related texts</b> in accordance with Section 2.1: <u>Procedures for the elaboration of Codex standards and related texts</u>, <b>and coordinating committees</b> to exercise general coordination of its work in specific regions or groups of countries. The rules of procedure of the Commission shall apply, <i>mutatis mutandis</i>, to Codex committees, coordinating committees and ad hoc intergovernmental task forces. The guidelines applying to the conduct of meetings of Codex committees (<u>also referred to herein as sessions</u>) as described in this section apply also to those of coordinating committees and to those of Codex ad hoc intergovernmental task forces.</p>
<p><b>Conduct of meetings</b></p> <p>28. Meetings of Codex <b>and coordinating</b> committees shall be held in public <del>unless the committee decides otherwise.</del> <b>Members.</b> The host countries responsible for Codex <b>and coordinating</b> committees shall decide who should open meetings on their behalf.</p>
<p>30. Only the <del>chief delegates heads of delegations</del> of Members, or of Observers <del>countries or of international organizations</del> have the right to speak unless they authorize other members of their delegations to do so.</p>
<p>31. The representative of a <del>regional economic integration organization</del> <b>Member Organization</b> shall provide the chairperson of the committee, before the beginning of each session, with a written statement outlining where the competence lies between <del>this the organization</del> <b>Member Organization</b> and its <del>members</del> <b>Member States</b> for each item, or subparts <del>thereof, as appropriate,</del> of the provisional agenda <b>of a session</b>, pursuant to the declaration of competence submitted according to Rule II of the rules of procedure of the Commission by this <b>Member Organization</b>. In areas of shared ("mixed") competence between this <b>Member Organization</b> and its <del>Members</del> <b>States</b>, this statement shall make clear which party has the voting right.</p>
<p>32. Delegations <b>from Members</b> and delegations from Observer countries who wish their opposition to a decision of the committee to be recorded may do so, whether the decision has been taken by a vote or not, by asking for a statement of their position to be contained in the report of the committee. This statement should not merely use a phrase such as: "The delegation of X reserved its position" but should make clear the extent of the delegation's opposition to a particular decision of the committee and state whether they were simply opposed to the decision or wished for a further opportunity to consider the question.</p>
<p>33. In preparing reports, the following points shall be borne in mind:</p> <ul style="list-style-type: none"> <li>a) Decisions should be clearly stated; action taken in regard to economic impact statements should be fully recorded; all decisions on draft standards <u>and related texts</u> should be accompanied by an indication of the step in the procedure that these <u>standards and related texts</u> have reached.</li> <li>b) If action has to be taken before the next meeting of the committee, the nature of the action, who is to take it and when the action must be completed should be clearly stated.</li> <li>c) Where matters require attention by other Codex committees, this should be clearly stated.</li> <li>d) If the report is of any length, summaries of points agreed and the action to be taken should be included. <del>at the end of the report, and</del> In any case, a section should be included <del>at the end of the report</del> showing clearly in summary form:</li> </ul>

- i. standards and related texts considered at the session and the steps they have reached;
- ii. standards and related texts at any step of the procedure, the consideration of which have been postponed or which are held in abeyance and the steps which they have reached; and
- iii. new standards and related texts proposed for consideration, ~~the probable time of their consideration at Step 2~~ and the ~~responsibility~~ responsible party for drawing up the first draft.

34. The following appendices should be attached to the report:

- a) list of participants ~~with full postal addresses; and~~
- b) ~~proposed draft standards and~~ draft standards and related texts with an indication of the step in the procedure which has been reached; ~~and~~
- c) new work proposals submitted by the committee to the Commission for approval;
- e)d) provisions or work proposed for revocation or discontinuation.

If relevant, information documents (add footnote: Guidance on information documents can be found on the Codex website at: <https://www.fao.org/fao-who-codexalimentarius/resources/inf-doc/en/> agreed upon by the committee may also be attached to the report.

35. The Codex Secretariat should ensure that, as soon as possible and in any event not later than one month after the end of the session, the final report, as adopted in the official working languages of the committee, is made available to all Members and Observers of the Commission on the Codex website.

36. Circular letters should be issued, as required, following publication of the meeting report requesting comments on proposed draft standards or related texts at Steps 5, Step 8, ~~{Step 5/8}~~ or Step 5 (accelerated), with the indication of the date by which comments or proposed amendments must be received in writing, so as to allow such comments to be considered by the Commission.

### **Drawing up of Codex standards**

37. A Codex committee, in drawing up standards and related texts, should bear in mind the following:

- a) The guidance given in the general principles of the Codex Alimentarius.  
~~[That all standards and related texts should have a preface containing the following information:~~
  - i. ~~the description of the standard or related text;~~
  - ii. ~~a brief description of the scope and purpose(s) of the standard or related text;~~
  - iii. ~~references including the step which the standard or related text has reached in the Commission's procedures for the elaboration of standards, together with the date on which the draft was approved; and~~
  - iv. ~~matters in the draft standard or related text requiring endorsement or action by other Codex committees.]~~
- e)b) That for standards or any related text for a product which includes a number of subcategories, the committee should give preference to the development of a group standard or a general standard or related text with specific provisions as necessary for subcategories (e.g., annexes).



**Table 3: Section 3.3 Guidelines to chairpersons of Codex committees, coordinating committees and ad hoc intergovernmental task forces**

<b>Recommendations (new edits in track change)</b>
<p><b>Title</b></p> <p>Section 3.3 Guidelines to chairpersons of Codex committees, <b>coordinating committees</b> and ad hoc intergovernmental task forces</p>
<p><b>Introduction</b></p> <p>38. By virtue of Article 7 of the statutes of the Commission and Rule XI.1(b) of its rules of procedure, the Commission has established a number of Codex committees and ad hoc intergovernmental task forces to prepare standards <b>and related texts</b> in accordance with Section 2.1: <u>Procedures for the elaboration of Codex standards and related texts</u>, <b>and coordinating committees</b> to exercise general coordination of its work in specific regions or groups of countries. The rules of procedure of the Commission shall apply, <i>mutatis mutandis</i>, to Codex committees, coordinating committees and ad hoc intergovernmental task forces. The guidelines applying to the chairpersons of Codex committees as described in this section apply also to those of coordinating committees and to those of Codex ad hoc intergovernmental task forces.</p>
<p><b>Designation</b></p> <p>39. The Commission will designate a Member Nation of the Commission, which has indicated its willingness to accept financial and all other responsibility, as responsible for appointing a chairperson of the committee. <del>In the following</del><u>Herein</u>, <del>this Member Nation</del> <u>this Member Nation</u> <del>is referred to as host country.</del> <u>is referred to as host country.</u> The <del>Member Nation concerned</del> <u>host country</u> is responsible for appointing the chairperson of the committee from among its own nationals. Should this person for any reason be unable to take the chair, the <del>Member Nation concerned</del> <u>host country</u> shall designate another person to perform the functions of the chairperson for as long as the chairperson is unable to do so. <del>The chairperson may be supported by one and/or more co-chairpersons or assistants or co-chairpersons designated by the host country, from among its own nationals.</del></p>
<p><b>Criteria for the appointment of chairpersons</b></p> <p>42. The following criteria may be considered during the selection of the appointee:</p> <ul style="list-style-type: none"> <li>to be a national of the Member Nation responsible for appointing the chairperson of the committee;</li> <li>to have a general knowledge in the fields of the subsidiary body concerned and to be able to understand and analyse technical issues;</li> <li>insofar as possible, to be able to serve in a continuing capacity;</li> <li>to be familiar with the system of Codex, <del>and</del> its rules <b>and procedures</b>, and to have experience in the work of relevant international, governmental, or non-governmental organizations;</li> <li>to be able to communicate clearly both orally and in writing in one of the working languages of the Commission;</li> <li>to have demonstrated ability in chairing meetings with objectivity and impartiality, and in facilitating consensus building;</li> <li>to exercise tact and sensitivity to issues of particular importance to Members of the Commission; and</li> <li>not to engage and/or not to have engaged in activities which could give rise to a conflict of interest on any item on the agenda of the committee.</li> </ul>
<p>43. The <b>chairperson</b> should invite observations from members of the committee concerning the provisional agenda and in the light of such observations formally request the committee to adopt the provisional agenda or the amended agenda.</p>

44. Meetings of Codex committees, also referred to as sessions, should be conducted in accordance with the rules of procedure of the Commission. Attention is particularly drawn to Rule VIII.7 which reads: "The provisions of Rule XII of the General Rules of FAO shall apply mutatis mutandis to all matters which are not specifically dealt with under Rule VIII of the present Rules."

45. Rule XII of the general rules of FAO, ~~a copy of which will be supplied which should be made available~~ to all chairpersons of Codex ~~and coordinating~~ committees, gives full instructions on the procedures to be followed in dealing with voting, points of order, adjournment and suspension of meetings, adjournment, and closure of discussions on a particular item, reconsideration of a subject already decided and the order in which amendments should be dealt with.

47. Chairpersons should also ensure that the written comments, received in a timely manner, of Members and Observers not present at the session are considered by the committee and that all issues are put clearly to the committee. This can usually best be done by stating what appears to be the generally acceptable view and asking delegates whether they have any objection to its being adopted.

48. Chairpersons should use the statement submitted by the representatives of the ~~regional-economic integration organizations~~ Member Organizations on the matters of respective competence between these Member Organizations and their Member States in the conduct of meetings, including assessing of the situation with regard to the party which has the right to vote.

52. When working out the means of progressing the work of a committee, the chairperson should consider:  
the need for timely progress in developing standards and related texts;  
the need to achieve consensus among the Members as to the content of, and justification for, proposed standards and related texts; and  
the importance of achieving consensus at all stages of the elaboration of standards and that ~~proposed draft or~~ draft standards and related texts should, as a matter of principle, be submitted to the Commission for adoption only where consensus has been achieved at the technical level.

54. The chairperson should also consider implementing the following measures in order to facilitate consensus building in the elaboration of standards at the committee stage:

a) Ensuring that issues are thoroughly discussed at meetings of the committees concerned:

a)b) Ensuring that:

~~— issues are thoroughly discussed at meetings of the committees concerned;~~

- i. the scientific basis is well established on current data including, wherever possible, scientific data and intake and exposure information from the developing countries;
- ii. where data from developing countries are not available, an explicit request for collecting and making available such data is made; ~~and~~
- iii. where necessary, further studies are carried out in order to clarify controversial issues, ~~and where applicable, concern forms are submitted, in line with the procedures set forth in Section 4: Risk Analysis. where applicable under the risk analysis principles of the committees concerned, the use of a concern form is used to provide additional explanation on the scientific concern(s) for consideration by the competent Joint FAO/WHO expert bodies.~~

~~iv. —~~

b)c) Ensuring that issues are thoroughly discussed at meetings of the committees concerned. Facilitating increased involvement and participation of developing countries.

e)d) Organizing informal meetings of the parties concerned where disagreements arise, provided that the objectives of any such meetings are clearly defined by the committee concerned and that participation is open to all interested delegations and Observers in order to preserve transparency.

e)e) Requesting the Commission, where possible, for a redefinition of the scope of the subject matter being considered for the elaboration of standards in order to cut out issues on which consensus cannot be



reached.

- e)f) Ensuring that matters are not progressed from step to step until all relevant concerns are taken into account and adequate compromises worked out. <sup>xviii</sup>

~~Facilitating increased involvement and participation of developing countries.~~

55. Where there is a deadlock in the standards development, the chairperson should consider acting as a facilitator or appointing a facilitator in agreement with the relevant Codex committee, working during a session or between sessions to work with Members to reach consensus. The facilitator should ~~orally~~ report on the activity undertaken and the outcome of the facilitation to the plenary.

- a) The committee concerned should clearly state the terms of reference of the facilitator.
- b) The facilitator should be experienced in Codex matters but neutral on the matter concerned.

All parties participating in the process should agree on the selection of the facilitator.