

Appendix IV

Proposed updates to the *Codex Procedural Manual* in Section 2.1 Procedures for the elaboration of Codex standards and related texts

2.1 Procedures for the elaboration of Codex standards and related texts

Introduction

Paragraph 8. It will be for the Commission itself to keep under review the **amendment and** revision of Codex standards. The procedure for **amendment or** revision should, *mutatis mutandis*, be that laid down for the elaboration of Codex standards, except that the Commission may decide to omit any ~~other step or~~ steps of that procedure where, in its opinion, an amendment proposed by ~~the Codex committee~~ **subsidiary body concerned, or the Codex Secretariat or Member of the Commission where the subsidiary body concerned is abolished or dissolved or has been adjourned sine die** is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by the Commission at Step 8, **as further outlined in Part 7 Guide to the procedure for the correction, amendment and revision of Codex standards and related texts.**

Part 2 Critical review

Proposals to undertake new work or to **amend** or revise a standard

Paragraph 12. Prior to approval for development, each proposal for new work or **amendment or** revision (**as appropriate, see Part 7**) of a standard shall be accompanied by a project document, prepared by the Committee or Member proposing new work or **amendment or** revision of a standard detailing: ...
[no changes proposed for the content of the project document]

Part 7 Guide to the procedure for the **correction**, amendment and revision of Codex standards and related texts

Paragraph 24. The procedure for amending or revising a Codex standard is laid down in paragraph 8 of **the introduction to** Section 2.1: Procedures for the elaboration of Codex standards and related texts. This guide provides more detailed guidance on the existing procedure for the amendment and revision of Codex standards and related texts.

~~25. When the Commission has decided to amend or revise a standard, the unrevised standard will remain the applicable Codex standard until the amendment to the standard or the revised standard has been adopted by the Commission.~~

Paragraph **25**. For the purpose of this guide, **correction of a Codex standard or related text means fixing any editorial or typographical errors including:**

- **incorrect spelling;**
- **incorrect bold or italics;**
- **other incorrect formatting of text;**
- **an incorrect or incomplete transcription;**
- **an incorrectly numbered or located footnote; and/or**
- **errors in translation.**

A corrigendum for all corrections should be included in the standard or related text and the Commission and relevant subsidiary body notified accordingly.

Paragraph 26 **For the purpose of this guide, the a**Amendment of a Codex standard or related text means: ~~any addition, change or deletion of text or numerical values in a Codex standard or related text, may be editorial or substantive, and concerns one or a limited number of articles in the Codex text. In particular, amendments of an editorial nature may include but are not limited to: a) correction of an error;~~

- **editorial changes that are not corrections, as defined in paragraph 25;**
- insertion of an explanatory footnote; and c)
- updating of references consequential to the adoption, amendment or revision of Codex standards and other texts of general applicability, including the provisions in the *Codex Procedural Manual*;
- **alignment of provisions, for consistency, to those in similar standards or related texts adopted by the Commission including replacement of content with a reference to another Codex text (a consequential amendment);**
- **updating of methods of analysis and sampling; and/or**
- **may include any other addition, change or deletion of text or numerical values in one or a limited number of provisions following due consideration and agreement by the relevant subsidiary body and adoption by the Commission.**

An explanation for the amendment should be included in the standard.

~~27. Finalization or updating of methods of analysis and sampling as well as alignment of provisions, for consistency, to those in similar standards or related texts adopted by the Commission may be handled by the Commission in the same manner as amendments of an editorial nature, as far as the procedure described in this guide is concerned.~~

Paragraph 27. **For the purpose of this guide, rRevision means any changes to of a Codex standard or related text means a change to the scope, or changes other than those covered under “correction”, as defined in paragraph 25 or “amendment”, as defined above in paragraph 26. An explanation for the revision should be included in the standard.**

Paragraph 28. The Commission has the final authority to determine whether a proposal ~~made~~ constitutes an amendment or a revision., and **in the case of an amendment, the procedure by which it is addressed.** ~~whether an amendment proposed is of an editorial or substantive nature~~ **Corrections, as described in paragraph 25, are the responsibility of the Codex Secretariat.**

Paragraph 29. **When the Commission has decided to amend or revise a standard, the unamended or unrevised standard will remain the applicable Codex standard until the amendment to the standard or the revised standard has been adopted by the Commission.**

Paragraph 30. Proposals for the amendment or revision of Codex standards and related texts should be submitted to the Commission by the subsidiary body concerned., ~~by the Codex Secretariat, or a Member of the Commission~~ **Where the subsidiary body concerned is not in existence, ~~abolished, dissolved~~ or has been adjourned *sine die*, the proposal for an amendment or revision should be submitted to the Commission by the Codex Secretariat or a Member of the Commission.** In the latter case, proposals should be received by the Codex Secretariat in good time (not less than three months) before the session of the Commission at which they are to be considered. The proposal should be accompanied by a project document (see Part 2 of the elaboration procedures) unless the Executive Committee **recommends and/or** the Commission decides otherwise. ~~However, if the amendment proposed is of an editorial nature, the preparation of a project document is not required.~~

Paragraph 31. Taking into account the outcome of the ongoing critical review conducted by the Executive Committee, the Commission decides whether the amendment or revision of a standard is necessary. If the Commission decides in the affirmative, one of the following courses of action will be taken:

- a. In the case of an amendment of an editorial nature, it will be open to the Commission to adopt the amendment at Step 8 of the uniform procedure (see Part 3 of the elaboration procedures).
- b. In the case of an amendment proposed and agreed upon by a subsidiary body, it will also be open to the Commission to adopt the amendment at Step 5 **or Step 8** of the uniform procedure (see Part 3 of the elaboration procedures).
- c. In other cases, the Commission will approve the proposal as new work and the approved new work will be referred for consideration to the appropriate subsidiary body, if such body is still in existence. If such body is not in existence, the Commission will determine how best to deal with the new work.

Paragraph 32. Where Codex subsidiary bodies have been abolished, ~~or dissolved, or Codex committees have been adjourned~~ *sine die*, the Codex Secretariat keeps under review all Codex standards and related texts elaborated by these bodies and determines the need for any **corrections or** amendments, in particular those arising from decisions of the Commission.

- **If the need for corrections is identified, then the Codex Secretariat should make the corrections and notify the Commission and relevant subsidiary body accordingly.**
- If the need for amendments of an editorial **or consequential** nature is identified, then the Codex Secretariat should prepare proposed amendments for consideration and adoption by the Commission.
- If the need for **any other** amendments ~~of a substantive nature~~ is identified, the Codex Secretariat, in cooperation with the ~~national~~ **host** secretariat of the adjourned committee, if applicable, should prepare a working paper containing the reasons for proposing amendments and the wording of such amendments as appropriate, and request comments from Members of the Commission: a) on the need to proceed with such an amendment and b) on the proposed amendment itself.
 - o If the majority of the replies received from Members of the Commission is affirmative on both the need to amend the standard and the suitability of the proposed wording for the amendment or an alternative proposed wording, the proposal should be submitted to the Commission for consideration and adoption.
 - o In cases where replies do not appear to offer an uncontroversial solution then the Commission should be informed accordingly, and it would be for the Commission to determine how best to proceed.