

Appendix VI

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 **underlined bold** or ~~strikethrough~~

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 propose that a specific issue(s) be discussed by simultaneous virtual presence of participants if deemed necessary for the efficient conclusion of the item, with the agreement of the Members participating in the session of the committee.**

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
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NEW paragraph 62: The CWBC would address only the task(s) 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, working languages, and tasks for the session of the CWBC including the time frames for preparation of working documents^{xix} 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.^{xx}
70. It is the responsibility of the host government to ensure adequate funding for translation of working documents and the reports, **and simultaneous interpretation as appropriate.**

Determining a quorum

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.
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^{xxii} 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 co-chairpersons **and/or assistants.**

^{xix} 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.^{xxiii}

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, coordinating 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.