



## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX ALIMENTARIUS COMMISSION

#### Forty-fourth Session

#### ELECTION OF THE CHAIRPERSON, VICE-CHAIRPERSONS AND MEMBERS ELECTED ON A GEOGRAPHICAL BASIS

### 1. Background

1.1 Rule VIII (7) of the Rules of Procedures of the Codex Alimentarius Commission (CAC) provides that the legal framework applicable to voting procedures shall be Rule XII of the General Rules of the Organization (GROs).

1.2 Due to the exceptional circumstances created by the COVID-19 pandemic and considering the successful conduct of the in-person secret ballot during the 42nd Session of the FAO Conference held in June 2021, it was proposed that elections at the 44th Session of the Codex Alimentarius Commission (CAC44) be conducted using the same modality as that approved by the FAO Conference, i.e. in-person voting through secret ballot by appointment.

1.3 This approach was endorsed by more than two thirds of the membership of the CAC in September 2021, in response to a letter from the Deputy Directors-General of FAO and WHO requesting the membership' endorsement of the following matters: (i) CAC44 to be held virtually and address urgent matters identified in the provisional agenda; (ii) exceptionally suspend the rules of the Rules of Procedure of the CAC that presuppose in-person sessions of the Commission, as was agreed by the Commission for its 43rd Session; and (iii) conduct elections by secret ballot through in-person voting by appointment in Geneva.

1.4 The following notes on this subject are an explanatory guide, and reference should be made to the Rules of Procedure of CAC and the General Rules of the Organization (GRO) as contained in Volume I of the FAO Basic Texts (2017 edition)<sup>1</sup>. The Rules of Procedure of the Commission can be found in the Procedural Manual of the CAC<sup>2</sup>.

### 2 Officers of the Codex Alimentarius Commission

2.1 In accordance with Rule III.1 of the Rules of Procedure of CAC, CAC44 will elect a Chairperson and three Vice-Chairpersons to hold office from the end of CAC44 to the end of the next regular session of the Commission (normally CAC45).

#### Chairperson

2.2 The present Chairperson, Mr **Guilherme Antonio da Costa (Brazil)** is **not eligible** for re-election as Chairperson of CAC, having been elected at CAC40 (2017) and having therefore already served three regular terms (2017-2020), in addition to an exceptional term 2020-2021, given that no elections could be held in 2020 due to the pandemic.

#### Vice-Chairpersons

2.3 The present Vice-Chairpersons, Ms **Mariam Eid (Lebanon)**, Mr **Purwiyatno Hariyadi (Indonesia)**, and Mr **Steve Wearne (United Kingdom)**, are **not eligible** for re-election as Vice-Chairpersons, having been elected at CAC40 (2017), and having therefore already served three regular terms (2017-2020), in addition to one exceptional term 2020-2021, given that no elections could be held in 2020 due to the pandemic. The Vice-Chairpersons are, nevertheless, **eligible** for the position of Chairperson of CAC.

### 3 Members Elected on a Geographical Basis of the Executive Committee of the Codex Alimentarius Commission

3.1 The Chairperson and Vice-Chairpersons of CAC are, respectively, the Chairperson and Vice-Chairpersons of the Executive Committee. In accordance with Rule V.1 of the Commission's Rules of Procedure, the Executive Committee has, in addition to the foregoing officers and the Coordinators appointed

<sup>1</sup> Available at <http://www.fao.org/3/mp046e/mp046e.pdf>

<sup>2</sup> Available at <http://www.fao.org/fao-who-codexalimentarius/publications/en/>

on the basis of Rule IV of the Rules of Procedure, seven further members elected by CAC from among members of CAC, one each coming from the following geographic locations: Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America, South-West Pacific. The term of office of these Members is equal to two (regular) sessions of CAC and they are eligible for re-election only if they have not served for more than two years in their current term. However, after having served two consecutive terms they shall be ineligible for the next succeeding term.

3.2 CAC42 re-elected **Australia, Egypt** and the **United States of America** and elected **Germany, Japan, United Republic of Tanzania** and **Uruguay**, and therefore:

- **Australia, Egypt** and the **United States of America** are no longer eligible having served two consecutive terms;
- **Germany, Japan, United Republic of Tanzania**, and **Uruguay** are eligible for re-election having served one term.

3.3 Rule V.1 of the Rules of Procedure of CAC further prescribes that not more than one delegate from any one country shall be a member of the Executive Committee.

#### 4. Nomination Period and Order of Elections

4.1 The nomination periods for the election of Chairperson, Vice-Chairpersons and Members elected on a geographical basis are only open at the CAC session in accordance with the following table. Elections will only take place if needed, that is if there are more nominations for a position than vacancies available. In cases where the number of nominations for a position is the same as the number of vacancies, the election could be decided by clear general consent (Rule VIII (5) of the Codex Rules of Procedure; GRO Rule XII-10 (a) refers). The table also gives the times for elections by secret ballot if there is more than one candidate per elective position. The sequence of elections is established in order to give effect to Rule V.1.

Position	Nomination period opens	Nomination period closes	Election by secret ballot (if needed)
Chairperson	8 November 2021, 12pm CET	9 November 2021, 12pm CET	9 November 2021, 3pm CET
Vice-Chairpersons	10 November 2021, 12pm CET	11 November 2021, 12pm CET	11 November 2021, 3pm CET
Member of the Executive Committee on a geographical basis	12 November 2021, 12pm CET	13 November 2021, 12pm CET	13 November 2021, 3pm CET

4.2 As CAC44 will take place virtually, nomination forms will be distributed electronically to all registered delegates and Codex Contact points that would request them via email to the Codex Secretary (Codex-Secretary@fao.org) at the opening of the nomination periods and the signed nomination forms should be returned to the Codex Secretary by email from the Head of Delegation and/or Codex Contact Point within the stated closing time of the nomination period. Nomination forms received after the deadline will not be accepted. The candidates nominated for each position will be announced immediately after the closure of the nomination period.

#### 5. Note on the composition of delegations to CAC44 in connection with physical voting

5.1 The FAO Constitution, in Articles III-1 and III-2, sets out the rights of Members to participate in meetings, and compose their delegations. The Codex Rules of Procedure include a similar provision under Rule VI (4), stating that “[e]ach Member of the Commission shall have one representative, who may be accompanied by one or more alternative and advisers”. As such, the applicable rules on the composition of delegations allow Members to include any person to their delegation, including nationals from other countries. The only limitation to this principle is set out in Article III, paragraph 3 of the FAO Constitution, which provides that “No delegate may represent more than one Member Nation or Associate Member”.

5.2 Under the FAO Constitution, a person identified to vote on behalf of a Member would be included by that Member in its delegation as registered for the CAC Session, and without a proxy arrangement. A proxy

arrangement would not be required in light of the possibility to compose a delegation according to the particular needs of any Member, including, in this case, physical voting in Geneva.

5.3 In relation to the voting modalities of CAC44, this means that Members which do not have a physical presence in Geneva could include in their delegations to the CAC Session persons who would be able to cast a physical ballot in Geneva on the day of the election(s) – either because such persons are based in Geneva, or because such persons have the opportunity to travel to Geneva for the purpose of voting. Also, in line with Article III-3 of the FAO Constitution, Members could include representatives of other countries in their delegation, provided that such persons are not also registered as delegates to the CAC Session for the delegation of another Member.

5.4 The above fully reflects the approach that was taken in connection with voting arrangements at the 42nd Session of the FAO Conference of June 2021.

5.5 The complete list of Codex Rules on procedure and voting can be found on the Codex Alimentarius website<sup>3</sup>.

## **6. Voting delegates/alternate voting delegates.**

6.1 Each delegation must register and identify their voting delegate and alternate to the voting delegate on the [Codex Online Registration System](#). Voting/alternate delegates must be physically present in Geneva on the election dates identified above. Voting delegates, or their alternates if necessary, will be required to register to access the voting venue in Geneva and will be requested by the Codex Secretariat to provide contact details to facilitate realtime updates and communications during the election periods. Each Member shall have only one vote in each of the elections and alternate delegates shall not enter the voting venue except to fully replace the voting delegate.

6.1 In person voting will take place at the:  
**Center de Conférence de Varembe - CCV**  
**9-11 Rue de Varembe**  
**1202 Geneva**

## **7. Officers of the Codex Alimentarius Commission, Members of the Executive Committee**

7.1 The complete list of the officers of CAC and Members of the Executive Committee from 1963 to the present can be found on the Codex Alimentarius website<sup>4</sup>.

## **8. Members of the Codex Alimentarius Commission**

8.1 The complete list of the Members of CAC as of October 2021 can be found on the Codex Alimentarius website<sup>5</sup>.

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<sup>3</sup> <http://www.fao.org/fao-who-codexalimentarius/committees/executive-committee/ccexec-elections/en/>

<sup>4</sup> <http://www.fao.org/fao-who-codexalimentarius/committees/executive-committee/history-exec/en/>

<sup>5</sup> <http://www.fao.org/fao-who-codexalimentarius/about-codex/members/en/>