



JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
Forty-fourth Session
AMENDMENTS TO THE PROCEDURAL MANUAL

The Codex Committee on General Principles (CCGP) is proposing a guidance for Committees Working by Correspondence (CWBC) as listed below to be included in the Procedural Manual.

The 32nd Session of the Codex Committee on General Principles (CCGP32) agreed “to forward the draft Procedural Guidance for CWBC (Appendix II) to CAC44 for adoption and inclusion in the Codex Procedural Manual (PM), preferably in Section III.” It was also noted “that the Codex Secretariat would ensure editorial consistency of the draft procedural guidance for CWBC (Appendix II) with the PM prior to sending out a circular letter to Codex Members and Observers before discussion at CAC.” The Codex Secretariat has conducted a thorough review of the text and also consulted with the legal offices of FAO and WHO. Consequently, the document (CX/CAC 21/44/2 Annex I) is slightly amended as compared to what is contained in Appendix II of REP21/GP.

Comments received are contained in CX/CAC 21/44/2 Add. 1.

The Commission is invited to adopt the amendments to the PM as contained in Annex I to the present document (CX/CAC 21/44/2 Annex I).

Codex Body	Text	Reference
CCGP	Draft Procedural Guidance for CWBC	<ul style="list-style-type: none"> • REP21/GP, paragraphs 22 and 23, Appendix II • Annex I of this document

CRITERIA AND PROCEDURAL GUIDELINES FOR CODEX COMMITTEES AND *AD HOC* INTERGOVERNMENTAL TASK FORCES WORKING BY CORRESPONDENCE

1. Introduction

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 (CWBC). The Rules of Procedure of the Commission apply *mutatis mutandis* to CWBC, unless otherwise specified in these Guidelines.

1.1 Definitions

Working by correspondence: Describes a working modality that can be assigned by the Codex Alimentarius Commission for the development of an approved new work to a Codex Committee or *ad hoc* Intergovernmental Task Force, which will not hold sessions that require the simultaneous presence of participants.

Committees and *ad hoc* Intergovernmental Task Forces that are assigned to operate under this modality are defined as “Committees working by correspondence” or “CWBC” in the remainder of this document.

Session of a CWBC: The period of time between the session of the Commission that approved the work and the adoption of the report of the session of the CWBC, or alternatively, a specific period of time as determined by the Commission. During a session of a CWBC, participants engage in formal consultations by correspondence.

1.2 Codex values

An overarching consideration and guiding principle in relation to CWBC is the need to respect and adhere to the Commission’s core values of collaboration, inclusiveness, consensus building, and transparency.

2. Decision to assign work by correspondence

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, inter alia, the timeframe 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 an existing committee, with relevant expertise, that is meeting physically. This should take into consideration whether the work can reasonably be expected to be completed within a set timeframe.	ToR of existing Codex committees

3. Verification of membership and credentials for participation

The status and credentials of participants in sessions of CWBC are subject to scrutiny and verification by the Codex Secretariat, according to official information provided by Codex Contact Points (CCPs).

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 registered participants (i.e. communication will not be copied to the whole Codex membership) between the starting date and end date as communicated in the invitation. Late registrations shall be possible.

4. Sessions

To ensure comparability of sessions of Committees and *ad hoc* Intergovernmental Task Forces meeting physically and those meeting by correspondence, a session of a CWBC is defined as in 1.1.

The timeframes for implementing the work plan, and tasks for the session of the CWBC including the timeframes for preparation of working documents¹ shall be clearly documented and shall be agreed by Members at the outset of the session of the CWBC.

The agenda, working documents and reports should be published on the Codex website.

The work and outputs of the CWBC are subject to critical review by the Executive Committee prior to submission to the Commission.

Each session of the CWBC shall be concluded within the timeframe prescribed by the Commission.

5. Languages

Use of languages for CWBC shall be in line with Rule XIV of the Rules of Procedure of the Codex Alimentarius Commission².

It is the responsibility of the host government to ensure adequate funding for translation of working documents and the reports.

6. Determining a quorum

The quorum shall be calculated on the basis of Rule VI (7) of the Rules of Procedure of the Codex Alimentarius Commission², 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 Section 3”.

The absence of a quorum shall be reported to the Commission for further guidance.

7. Roles of the Chairperson and the Codex Secretariat

The role of the Chairperson

The *Guidelines to Chairpersons of Codex Committees and ad hoc Intergovernmental Task Forces*³ apply *mutatis mutandis* to Chairpersons of CWBC.

In particular, Chairpersons of CWBC should ensure that:

- All communications are open to all registered 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;
- All specific matters raised are fully considered by the CWBC;
- 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;
- The reports of the CWBC clearly document where there 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; and
- The rules/procedures specified in the Codex Procedural Manual are adhered to in the CWBC setting.

The Chairpersons of CWBC may be supported by one or more co-Chairpersons.

¹ See Section III: Guidelines for Subsidiary Bodies, Guidelines to host governments of Codex committees and ad hoc Intergovernmental Task Forces.

² See Section I: Basic Texts and Definitions.

³ See Section III: Guidelines for Subsidiary Bodies.

The role of the Codex Secretariat

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

Chairpersons of CWBC 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 the *Guidelines to Chairpersons of Codex Committees and ad hoc Intergovernmental Task Forces*⁴ to facilitate consensus building in the elaboration of standards at the Committee stage.

Interpretation of silence

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. 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.

8. Advancement of standards and related texts

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 CWBC. 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?”*

CWBC may use a similar approach, including when determining the level of consensus on more detailed points of discussion, such as text changes.

Reservations in the correspondence setting should be treated in the same manner as reservations in a physical meeting (i.e. by identifying the extent of the delegation’s opposition to a decision) and should be recorded in the meeting report upon request⁵.

Options when CWBC is not able to progress work

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 not be limited to:

- i. Convening a session that requires the simultaneous presence of participants;
- ii. Referring the work to a committee (other than the original committee) that has relevant expertise on the topic under consideration and is meeting physically; or
- iii. Discontinuing the work.

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

While the Rules of Procedure of the Codex Alimentarius Commission provide for voting in situations where all efforts to achieve consensus have failed, CWBC shall not resort to voting to resolve differences. In this regard, Rule VIII shall not be applicable to CWBC.

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.

⁴ See Section III: Guidelines for Subsidiary Bodies.

⁵ See Section III: Guidelines for Subsidiary Bodies, Guidelines on the Conduct of Meetings of Codex Committees and ad hoc Intergovernmental Task Forces.

9. Reporting to the Commission

CWBC shall report to the Codex Alimentarius Commission. As with reports of physical sessions of Codex Committees and *ad hoc* Intergovernmental Task Forces, reports of CWBC shall be prepared by the Codex Secretariat in consultation with the Chairperson.

The conventions and practices that apply to drafting of reports of committees holding physical meetings should also be observed, to the extent relevant, by CWBC. Reports of CWBC should be objective and accurately reflect the discussions, conclusions, and recommendations.

Members of CWBC 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.

Members of CWBC should refrain from raising issues or seeking inclusion of comments that were not part of the deliberations, and such comments will not be included in the report of the session, consistent with the Commission's procedure and practice.

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. Comments should be provided within two weeks of the circulation of the report. The procedures for review and comments should be clearly communicated to all participants.

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.