

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Suspension of Rules of Procedure of the Codex Alimentarius Commission

A. Introduction

1. Considering the evolving situation of the COVID-19 pandemic in Italy and worldwide, and given the ongoing measures adopted by Italian authorities with respect to movement of people and public gatherings, it was necessary to consider alternative arrangements for the holding of meetings at FAO Headquarters, including the 43rd Session of the Commission, such as through remote participation, in order to ensure the continuity of essential business. In this context, a decision has been taken by the Members of the Commission, through correspondence, that the 43rd Session of the Commission (CAC43) would be held virtually from 24-26 September 2020 and 12 October 2020 with the adoption of the report on 19 October 2020.

2. Taking into account that certain Rules of Procedure of the Codex Alimentarius Commission presuppose in-person sessions, such rules would need to be waived to allow for CAC43 to take place virtually. In this context, Rule XV (2) of the Rules of Procedure provides as follows:

Rule XV "Amendments and Suspension of Rules"

2. "The Rules of the Commission, other than Rule I, Rule III.1, 2, 3 and 5, Rule V, Rule VI.2 and 7, Rule VII.1, 4 and 6, Rule VIII.1, 2 and 3, Rule IX, Rule X.3 and 4, Rule XI.5, 7 and 9, Rule XIII, Rule XV and Rule XVI, may be suspended by the Commission by a two thirds majority of the votes cast, provided that 24 hours' notice of the proposal for suspension has been given. Such notice may be waived if no representative of the Members of the Commission objects".

B. Proposal to suspend specific rules of the Rules of Procedure

3. It is recommended that the Commission invoke the above-mentioned Rule XV (2) of its Rules of Procedure to suspend specific rules that may be incompatible with a virtual meeting for the purposes of this 43rd Session.

i. Session of the Commission

4. In particular, it is recommended that the Commission suspends:

Rule VI "Sessions" - paragraph 1 to waive the requirement for the session to be held at the Headquarters of either FAO or WHO;

Rule VI "Sessions" – paragraph 3 to waive the requirement to communicate the date and place of each session to all Members of the Commission at least two months before the session;

Rule VII "Agenda" - paragraph 4 to waive the requirement to circulate the Provisional Agenda to all Members of the Commission at least two months before the opening of the session;

ii. Adoption or amendment of standards

5. As concerns the decision-making process, it is recommended that all decisions be taken by consensus as far as possible. If every effort to reach agreement on the adoption or amendment of standards

by consensus has failed, the issue would be postponed to the next physical session of the Commission so that voting would not take place virtually.

6. Accordingly, it is recommended that the Commission suspends:

- Rule XII “Elaboration and Adoption of Standards”, to waive the requirement that decisions to adopt or amend standards may be taken by voting when efforts to reach consensus have failed.

iii. Elections

7. Bearing in mind that elections for the Chairperson and three Vice-Chairpersons were planned to take place at CAC43, and that elections are decided by secret ballot – except where the number of candidates does not exceed the number of vacancies (Rule VIII (5) refers), it is recommended to postpone the elections to the next physical session of the Commission.

8. In this regard, it is recommended that the Commission suspends:

- Rule III “Officers”, paragraph 1, to waive the requirement that the Chairperson and three Vice-Chairpersons “be elected at each session and (...) hold office from the end of the session at which they were elected until the end of the following regular session” and that they “be eligible for re-election twice, provided that by the end of their second term of office they have not served for a period of more than two years”.

C. Action requested of the Commission

9. The Members of the Commission were invited to consider suspending the Rules of Procedure referred to in Section B above.

C. Outcome

10. A two thirds majority was required to suspend certain rules as proposed above and proceed with a virtual Commission. As of 28th August 2020 147 Members (78% of all Codex Members) had endorsed the proposal, hence allowing the suspension of the Rules of Procedure referred to in Section B and a virtual session of CAC43 to proceed.