

CODEX CAPSULE 7

The Function of Codex Committees

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This session will describe the function of Codex committees from two perspectives:

1. The function of Codex subsidiary bodies, including their composition, and the role and responsibilities of host countries; and
2. The provision of guidance on how meetings are conducted, including how Members and observers intervene and other procedural issues.

This is a reminder of the Codex structure which as you recall made up of four kinds

- **General Subject Committees** (referred to as horizontal), which establish standards and guidelines applicable to all foods;
- **Commodity Committees** (known as vertical), which prepare standards for specific commodities;
- **FAO/WHO Coordinating Committees**, through which regions or groups of countries coordinate food standards activities in the region, including the development of regional standards;
- **Ad hoc Intergovernmental Task Forces**, which are time-limited and prepare standards and guidelines on specific issues.

The main function of Codex subsidiary bodies (**except the Coordinating Committees**) is to develop standards, guidelines and recommendations relevant to their specific subject area.

Specifically, Codex subsidiary bodies are expected to:

- draw up a list of priorities among the subjects and products within their terms of reference;
- consider the safety and quality elements to be covered;
- consider the types and scope of products to be covered by standards, e.g. whether materials for further processing into food should be covered;
- prepare draft Codex standards (including guidelines, codes of practice) taking into account the standard-setting methodology adopted by the Commission;
- report to each session of the Commission on the progress of their work and, where necessary, on any difficulties caused by their terms of reference, together with suggestions for their amendment;
- review and revise existing standards and related texts on a periodic basis to ensure that they are consistent with current scientific knowledge and other relevant information.

The main functions of **Coordinating Committees** are:

- promote **mutual exchange of information** on proposed regulatory initiatives and problems arising from food control;
- promote the **use of Codex standards** in the region, and monitor the use of adopted Codex texts; and,
- exercise the general **coordination in the preparation of standards** related to the specific region or groups of countries.

It should be noted that Codex Committees (horizontal and vertical) and Codex Task Forces function and follow the same procedures. The main difference is that the Codex Task Forces are time-bound.

All Codex committees consist of the following members:

1. a chairperson;
2. a body of members (i.e. those Codex Member countries present);
3. observers who have speaking privileges but not voting right, (i.e. decision-making rights); and
4. a secretariat and a host government that facilitates the work of the committee.

As required and depending on the issues to be discussed, representatives of FAO and/or WHO may attend a Committee session to support the work of the Committee.

Most commonly FAO/WHO officers to be present at:

- CCFH, to present work on JEMRA;
- CCFA, to present work on JECFA; and
- CCPR, to present work of JMPR.

On other occasions, as requested by Committees, FAO/WHO will attend a Committee meeting, for example the 20th Session of CCFO, where the Committee had requested FAO and WHO to provide scientific advice on the development of a criteria for acceptable previous cargoes. At the regional coordinating committees FAO and WHO make an effort to attend.

The Codex Alimentarius Commission designates as host country of a committee, a member country of the Commission, which has indicated its willingness to accept financial and all other responsibility associated with hosting a committee.

The member country concerned is responsible for appointing the chairperson of the committee from among its own nationals.

Although a committee, at any session, may appoint one or more rapporteurs from among the delegates present, most committees have a national secretariat provided by the host country.

Members of Codex committees are those Members of the Commission who have responded to the invitation of the Director-General of FAO or WHO advising of their desire to participate in the Committee. Countries which are members of CAC are entitled to apply for membership of Codex Committees of interest to them.

This notification is achieved by **registering to participate in the committee in response to the invitation through an on-line registration system made available.**

Membership of FAO/WHO coordinating committees is open only to Members of the Commission belonging to the region or group of countries concerned, although other Codex member countries may attend, as **observers**, meetings of FAO/WHO coordinating committees other than those to which they are geographically allocated.

For example, Canada as a member of the FAO/WHO Regional Coordinating Committee for North America and the South-West Pacific may attend, as an Observer, a meeting of the FAO/WHO Regional Coordinating Committee for Africa. In order to do this, Codex members must notify the host government and the Codex secretariat by proceeding with the online registration when they want to attend a regional committee of which they are not part of. They will be registered as "Observer country" to that session.

Only committee Members can make decisions on issues under consideration.

Codex regions are different from FAO and WHO zoning of countries. Codex member countries located on the boundary of two different regions, can choose to which region, they wish to belong.

International organizations with official **Observer Status in Codex** may also participate in meetings of the various Codex Committees and Task Forces as well as in working groups established.

Observers may make interventions, submit written comments, etc., but **only Members (i.e. countries) make decisions.**

Countries that are not members of the Commission, but are members of the UN, FAO or WHO may also attend Codex Committee meetings as observers.

Meetings of Codex subsidiary bodies are serviced by a secretariat. The principal secretariat is the Codex Secretariat (international), based in Rome, who:

- coordinates documentation for the meeting;
- advises the Chairperson of the Committee on technical and procedural matters; and
- prepares the report of the meeting.

In addition, there's a host country secretariat (national), who assists the Codex Secretariat in coordinating documentation for the meeting and is mainly responsible for logistic aspects (e.g. meeting venue, security, conference services, visa facilitation, registration of participants, document printing where applicable and preparing the list of participants).

Let us review some of the HOST GOVERNMENT RESPONSIBILITIES

The host government has a responsibility to ensure that it:

- has administrative support staff able to work easily in the languages used at the session;
- has at its disposal adequate word processing and document reproducing equipment;
- provides for simultaneous interpretation from and into all languages used at the session;
- makes available the services of a translator if the report of the session is to be adopted in more than one of the working languages of the committee.

In the case of Coordinating Committees, the last two items are the responsibility of the Codex Secretariat and not the national host Secretariat.

The members of the secretariat from the host country support the work of the Codex Secretariat, and are not members of the host country's official delegation. Their primary function is to facilitate the

functioning of the session and it is important that they be perceived as being neutral and not influencing the outcome of the discussions.

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Scheduling of meetings of Codex Committees is done by the **Codex Secretariat** in Rome in consultation with the **Codex Contact Point of the country hosting** the respective Codex committee.

The schedule of Codex sessions is tabled for consideration and endorsement by the Commission and is generally based on a **biennial planning cycle**.

The secretariat has a responsibility for preparation and distribution of meeting documentation.

The main **meeting documents** consist of the following:

- **Invitation.**
- **Provisional Agenda.**
- **Working papers.**

Who may attend Codex Meetings?

Participation is open to **delegations representing member countries** and **organizations with official observer status**.

Meetings of Codex committees and task forces are also **held in public** unless the committee decides otherwise.

All Codex Sessions follow the same Format:

There may be a formal opening of the session as decided by the host country – there is generally a reception in the evening of the first day, of the meeting, where government officials of the host country may also make a formal address

After the formal opening, if applicable, The chairperson proceeds to the **adoption of the provisional agenda and** invites observations from members of the committee concerning the provisional agenda.

Any member country may request the addition of **additional items** to the provisional agenda. In light of such observations, the chairperson requests the committee to adopt the provisional agenda or the amended agenda.

Generally, the member who may request the addition of an item to the agenda, would do so, during the adoption process.

It is recommended, however, that prior to the meeting, informal contact be made with the Codex secretariat advising of the intent, and if necessary a background document may be prepared and forwarded to the Codex secretariat so that the Committee members have sufficient information to consider the item.

While the request to add the item to the agenda is made during the adoption of the provisional agenda, issues added are normally not discussed until “other business”.

Chairpersons of Codex committees are expected to ensure that **all comments on the standard being elaborated are fully discussed**.

Chairpersons are also expected to ensure that the committee **considers the written comments** of Members not present at the session and that all issues are put clearly to the committee.

This is an example of why it is important for countries to submit written comments on issues they feel are significant to them, even if they cannot actually attend the Committee meeting.

The Committee can only consider and reference comments actually made or submitted in advance in writing. Furthermore, other countries can refer to and support the views of a country not present, only if, that country had submitted written comments.

How can members express their country's views at a meeting?

Members and observers are permitted to intervene on issues under consideration by the committee.

They indicate their desire to speak by holding up their country or organization nameplate, or placing it on one end. In some committees, delegates can indicate their desire to speak by pushing a button at their seat, which places their country or organizations name on a computer screen in front of the chairperson.

Protocol states that Members speak before observers, and delegations speak only when acknowledged by the chairperson.

Normally, it is the head delegate who has the right to speak but, with the chair's permission, another member of the delegation may speak on technical matters, and as proposed by the head delegate.

At all times comments are directed to the chair, never directly to another delegation.

There are no precise rules within Codex regarding the **number and duration of interventions**. However, by convention, the general practice is to intervene only once on any particular issue, although a second intervention may be permitted at the discretion of the chair, to clarify a point or reply to a question raised by another delegation.

Interventions should be **as short and clear as possible** (two or three minutes are reasonable maximum limits) and one should speak slowly enough to allow for good interpretation.

It should be borne in mind that all interventions are interpreted simultaneously into several other languages, with the result that lengthy interventions risk being misunderstood by those who do not comprehend the language of the speaker.

Very long interventions are difficult to follow and other delegations may lose their concentration, with the result that the point that was to be made may be missed, thus diminishing the effectiveness of the intervention.

At some committees with a very heavy agenda and time limitations, it is not unusual for the chairperson to ask speakers to make their interventions as short as possible, or to specify an agreed time limit, often two minutes.

Consensus is a very important aspect of standards development in Codex.

It is important to note that voting at the committee level is extremely rare.

The chairperson always tries to **arrive at a consensus**. If consensus cannot be reached, the usual practice is to:

Defer the issue for discussion at the next session

Establish a working group to address those points where consensus cannot be reached.

Refer the issue to the Commission for guidance OR to

Recommend to the Commission that work on the issue be suspended or discontinued altogether

At appropriate intervals during the discussion of each agenda item, the chairperson summarizes the discussion by stating what appears to be the generally acceptable view, and asking delegates whether they have any objection to it being recorded as the decision of the committee.

There are other MEASURES to consider TO FACILITATE CONSENSUS

- refraining from submitting proposals in the step process where the scientific basis is not well established on current data and, where necessary, carry out further studies in order to clarify controversial issues;
- providing for thorough discussions and documentation of the issues at meetings of the committees concerned;

- organizing informal meetings of the parties concerned where disagreements arise, provided that the objectives of any such meetings are clearly defined by the Committee concerned and that participation is open to all interested delegations and observers in order to preserve transparency;
- redefining, where possible, the scope of the subject matter being considered for the elaboration of standards in order to cut out issues on which consensus could not be reached;
- providing that matters are not progressed from step to step until all relevant concerns are taken into account and adequate compromises worked out;
- emphasizing to Committees and their Chairpersons that matters should not be passed on to the Commission until such time as consensus has been achieved at the technical level;
- facilitating the increased involvement and participation of developing countries.

Although "**consensus**" has not been defined by Codex, it is generally agreed that it does **not necessarily mean that everybody is in total agreement (unanimous decision)**.

There may be occasions when a decision is taken by a Committee where one or two countries may not agree with that decision.

In such circumstances, those countries may request that their objections to the decision, and reasons why, be recorded in the report of the committee.

The Objection would not mean that the decision of the Committee would not be carried.

A draft report of the proceedings is prepared by the Codex Secretariat for consideration by the committee on the final day of the session

The report is reviewed and adopted by the committee, paragraph by paragraph or section by section.

The review and adoption process provides countries with an opportunity to ensure that the report is accurate and reflects their interventions correctly. It is not an opportunity to reopen discussion on agenda items.

What has been said and decided cannot be revisited at the report review.

It is not necessary at this stage to highlight editorial errors in translated texts. If there are errors in translated texts, it is best if the head delegate advises the Committee that errors in the text have been noted, and that a note proposing alternate text will be submitted to the Codex Secretariat.

All reports contain a table at the end of the report, before Appendix I, showing clearly in summary form:

- standards considered at the session and the steps they have reached;
- standards at any step of the procedure, the consideration of which has been postponed or which are held in abeyance and the steps which they have reached;
- new standards proposed for consideration, the probable time of their consideration at Step 2 and the responsibility for drawing up the first draft.

The next action required is also documented as well as the relevant paragraph(s) in the report which describes the discussion.

Once adopted, the draft **report becomes the official record of the committee session.**

When requesting an amendment to the draft report, it is important to **make a concrete proposal for changes** including the provision of alternative text if applicable.

The following appendices are normally attached to the report:

- a list of participants with full postal and e-mail addresses, telephone numbers and fax numbers; and
- the complete text of draft standards with an indication of the step in the procedure that has been reached.

In an effort to write a concise report, It is common practice, not to record country names, but instead to record as correctly as possible the point made.

In summary these are the requirements that need to be observed in a Codex Committee Report:

- committee decisions in the report should be clearly stated;
- action taken in regard to economic impact statements should be fully recorded;
- all decisions on draft standards should be accompanied by an indication of the step in the procedure that the standards have reached;
- if action has to be taken before the next meeting of the committee, the nature of the action, who is to take it and when the action must be completed should be clearly stated;
- where matters require attention by other Codex committees, this should be clearly stated;
- if the report is of any length, an executive summary of points agreed and the action to be taken should be included at the beginning of the report.

The workload of many Codex Committees has grown to the extent that there is a need to carry out work between regularly scheduled sessions of the Committee.

The Committee **may therefore establish a working group which will work between sessions**, either by **electronic means** or by **actually meeting** (i.e. a physical working group).

Working groups may also be established **during a committee session** to address specific points in an attempt to reach consensus.

Participation on the working group is open to all Members and Observers of the Commission.

When establishing a working group, Committees are expected to give preference to electronic working groups, taking into consideration the difficulty experienced by developing countries in participating in physical groups.

It is acknowledged, however, that some complex issues cannot be resolved through electronic working groups and will need the dynamics of face to face meetings to be successful.

When trying to reach a decision on the best mechanism for working groups, the following issues should be considered:

- financial support required from the host country;
- complexity of the work to be discussed by the working group;
- access by participants to electronic means or to the place of the physical meeting;
- any language considerations.

It should be noted that some physical working groups will undertake some preliminary work prior to a physical meeting of the Committee.

The Rules of Procedure and the guidelines governing the work of Codex Committees also apply to the work of a working group.

Unless decided otherwise by the Committee establishing a working group, participation in the **working group is open to all Members and Observers of the Commission.**

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The Committee will designate a **"host" country for the working group**, which will not necessarily be the host country for the Committee.

The TOR of the working group shall clearly state:

- the objective(s) to be achieved;
- the language(s) to be used; and,
- the time by which the work is expected to be completed

The **conclusions** of the working group shall be presented to the Committee for consideration in the form of a **working group report** (usually a **Circular Letter**).

The working group itself cannot take decisions on behalf of the Committee.

THE HOST COUNTRY FOR A WORKING GROUP

The country responsible for the working group will need to supply a chairperson, a secretariat and, in the case of a physical working group, conference facilities.

The host is also responsible for all interpretation and translation services in all working languages of the Committee, unless decided otherwise by the Committee.

Let us Summarize what we reviewed in this session:

- The main function of Codex subsidiary bodies is to develop standards, guidelines and recommendations relevant to their specific subject area.
- All Codex committees consist of: a chairperson, members who makes decisions on Codex issues, observers who have speaking privileges but not voting right, and a secretariat and a host government that facilitates the work of the committee.
- All Codex sessions follow the same format.
- The chairperson always tries to arrive at a consensus, which does not necessarily mean unanimity.
- Normally a delegation should intervene only once on any particular issue and Interventions should be as short and clear as possible (maximum two or three minutes).
- At the end of each session a final report is drawn up, that becomes the official record of the committee session.
- When the workload is too extensive the Committee may establish a working group (either electronic or physical) which will work between sessions.