

Joint FAO/WHO Food Standards Programme

# **CODEX ALIMENTARIUS COMMISSION**

## **PROCEDURAL MANUAL**

Twentieth edition



**World Health  
Organization**



**Food and Agriculture  
Organization of  
the United Nations**

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Twentieth Edition



WORLD HEALTH ORGANIZATION  
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Rome, 2011

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## INTRODUCTION

The Procedural Manual of the Codex Alimentarius Commission describes the legal foundations and practical functioning of the Commission and its subsidiary bodies. Knowledge of the contents of this Manual is essential for Codex members and observers to participate effectively in the work of the Commission. The Manual has been organized into seven sections and one appendix as follows:

- **Section I: Basic Texts and Definitions** sets out the Commission's Statutes, Rules of Procedure and the General Principles of the Codex Alimentarius, as well as definitions of terms for the Purpose of the Codex Alimentarius which assist in the uniform interpretation of these texts.
- **Section II: Elaboration of Codex Standards and Related Texts** contains the Uniform Procedure for the Elaboration of Codex Standards and Related Texts, the criteria for the establishment of work priorities and subsidiary bodies, guidance on relations between Commodity Committees and General Committees, a format for Codex Commodity standards, procedures for consideration of food additive provisions, guidelines on the elaboration or revision of codes of hygienic practice and principles for selection of methods of analysis and sampling procedures.
- **Section III: Guidelines for Subsidiary Bodies** contains guidelines for the smooth and transparent operation of Codex Committees, *ad hoc* Task Forces and physical and electronic working groups
- **Section IV: Risk Analysis** – contains general and specific texts on risk analysis for application in the framework of the Codex Alimentarius Commission and its subsidiary bodies dealing with the protection of consumers' health and to the joint FAO/WHO expert bodies and consultations.
- **Section V: Codex Structure and Session History**, lists the Commission's subsidiary bodies with their Terms of Reference and the dates and places of the sessions held.
- **Section VI: Membership**, includes the membership list of the Commission (with year of accession where available) as well as the Core Functions of the Codex Contact Points.
- **Section VII: Relations with other Organizations** outlines the Principles and Guidelines governing the relations between the Codex Alimentarius Commission and international intergovernmental and non-governmental organizations.
- **Appendix: General Decisions of the Commission** contains the Statements of Principle concerning the Role of Science in the Codex decision-making process and the extent to which other factors are taken into



account, the Statements of Principle relating to the Role of Food Safety Risk Assessment and the Measures to facilitate consensus.

This 20th Edition of the Procedural Manual was prepared by the Secretariat following the Thirty-third Session of the Codex Alimentarius Commission, Rome, 2010. Further information concerning the Codex Alimentarius Commission and its Subsidiary Bodies can be obtained from the Secretariat, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, 00153 Rome, Italy, and from the website at <http://www.codexalimentarius.net>.

## **SECTION I**

### **BASIC TEXTS AND DEFINITIONS**

- Statutes of the Codex Alimentarius Commission (Adopted in 1961 by the 11<sup>th</sup> Session of the FAO Conference and in 1963 by the 16<sup>th</sup> Session of the World Health Assembly. Revised in 1966 and 2006)
- Rules of Procedure of the Codex Alimentarius Commission (Adopted in 1963 at the first session of the Commission. Amended in 1964, 1965, 1966, 1968, 1969, 1970, 1999, 2003, 2005, 2006 and 2007)
- General Principles of the Codex Alimentarius (Adopted in 1965. Amended in 1966, 1969, 1993, 1995 and 2007)
- Definitions

## **STATUTES OF THE CODEX ALIMENTARIUS COMMISSION**

### **Article 1**

The Codex Alimentarius Commission shall, subject to Article 5 below, be responsible for making proposals to, and shall be consulted by, the Directors-General of the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) on all matters pertaining to the implementation of the Joint FAO/WHO Food Standards Programme, the purpose of which is:

- (a) protecting the health of the consumers and ensuring fair practices in the food trade;
- (b) promoting coordination of all food standards work undertaken by international governmental and non governmental organizations;
- (c) determining priorities and initiating and guiding the preparation of draft standards through and with the aid of appropriate organizations;
- (d) finalizing standards elaborated under (c) above and publishing them in a Codex Alimentarius either as regional or worldwide standards, together with international standards already finalized by other bodies under (b) above, wherever this is practicable;
- (e) amending published standards, as appropriate, in the light of developments.

### **Article 2**

Membership of the Commission is open to all Member Nations and Associate Members of FAO and WHO which are interested in international food standards. Membership shall comprise such of these nations as have notified the Director-General of FAO or of WHO of their desire to be considered as Members.

### **Article 3**

Any Member Nation or Associate Member of FAO or WHO which is not a Member of the Commission but has a special interest in the work of the Commission, may, upon request communicated to the Director-General of FAO or WHO, as appropriate, attend sessions of the Commission and of its subsidiary bodies and *ad hoc* meetings as observers.

#### **Article 4**

Nations which, while not Member Nations or Associate Members of FAO or WHO, are members of the United Nations, may be invited on their request to attend meetings of the Commission as observers in accordance with the provisions of FAO and WHO relating to the grant of observer status to nations.

#### **Article 5**

The Commission shall report and make recommendations to the Conference of FAO and the appropriate body of WHO through their respective Directors-General. Copies of reports, including any conclusions and recommendations, will be circulated to interested Member Nations and international organizations for their information as soon as they become available.

#### **Article 6**

The Commission shall establish an Executive Committee whose composition should ensure an adequate representation of the various geographical areas of the world to which the Members of the Commission belong. Between sessions, the Executive Committee shall act as the Executive organ of the Commission.

#### **Article 7**

The Commission may establish such other subsidiary bodies as it deems necessary for the accomplishment of its task, subject to the availability of the necessary funds.

#### **Article 8**

The Commission may adopt and amend its own Rules of Procedure which shall come into force upon approval by the Directors-General of FAO and WHO, subject to such confirmation as may be prescribed by the procedures of these Organizations.

#### **Article 9**

The operating expenses of the Commission and of its subsidiary bodies, other than those for which a Member has accepted the Chair, shall be borne by the budget of the Joint FAO/WHO Food Standards Programme which shall be administered by FAO on behalf of the two Organizations in accordance with the financial regulations of FAO. The Directors-General of FAO and WHO shall jointly determine the respective portion of the costs of the Programme to be borne by each Organization and prepare the corresponding annual expenditure estimates for inclusion in the Regular Budgets of the two Organizations for approval by the appropriate governing bodies.

### **Article 10**

All expenses (including those relating to meetings, documents and interpretation) involved in preparatory work on draft standards undertaken by Members of the Commission, either independently or upon recommendation of the Commission, shall be defrayed by the government concerned. Within the approved budgetary estimates, the Commission may, however, recommend that a specified part of the costs of the preparatory work undertaken by the government on behalf of the Commission be recognized as operating expenses of the Commission.

## **RULES OF PROCEDURE OF THE CODEX ALIMENTARIUS COMMISSION**

### **Rule I Membership**

1. Membership of the Joint FAO/WHO Codex Alimentarius Commission hereinafter referred to as "the Commission", is open to all Member Nations and Associate Members of FAO and/or WHO.
2. Membership shall comprise such eligible nations as have notified the Director-General of FAO or of WHO of their desire to be considered Members of the Commission.
3. Membership shall also comprise regional economic integration organizations members of either FAO or WHO that notify the Director-General of FAO or WHO of their desire to be considered Members of the Commission.
4. Each Member of the Commission shall communicate to the Director-General of FAO or of WHO the names of its representative and where possible other members of its delegation before the opening of each session of the Commission.

### **Rule II Member Organizations**

1. A Member Organization shall exercise membership rights on an alternative basis with its Member States that are Members of the Commission in the areas of their respective competence.
2. A Member Organization shall have the right to participate in matters within its competence in any meetings of the Commission or its subsidiary bodies in which any of its Member States is entitled to participate. This is without prejudice to the possibility for the Member States to develop or support the position of the Member Organization in areas within its competence.
3. A Member Organization may exercise on matters within its competence, in any meetings of the Commission or any subsidiary body of the Commission in which it is entitled to participate in accordance with paragraph 2, a number of votes equal to the number of its Member States which are entitled to vote in such meetings and present at the time the vote is taken. Whenever a Member Organization exercises its right to vote, its Member States shall not exercise theirs, and conversely.
4. A Member Organization shall not be eligible for election or designation, nor to hold office in the Commission or any subsidiary body. A Member Organization shall not participate in voting for any elective places in the Commission and its subsidiary bodies.

5. Before any meeting of the Commission or a subsidiary body of the Commission in which a Member Organization is entitled to participate, the Member Organization or its Member States shall indicate in writing which, as between the Member Organization and its Member States, has competence in respect of any specific question to be considered in the meeting and which, as between the Member Organization and its Member States, shall exercise the right to vote in respect of each particular agenda item. Nothing in this paragraph shall prevent a Member Organization or its Member States from making a single declaration in the Commission and each subsidiary body in which a Member Organization is entitled to participate for the purposes of this paragraph, which declaration shall remain in force for questions and agenda items to be considered at all subsequent meetings, subject to such exceptions or modifications as may be indicated before any individual meeting.

6. Any Member of the Commission may request a Member Organization or its Member States to provide information as to which, as between the Member Organization and its Member States, has competence in respect of any specific question. The Member Organization or the Member States concerned shall provide this information on such request.

7. In cases where an agenda item covers both matters in respect of which competence has been transferred to the Member Organization and matters which lie within the competence of its Member States, both the Member Organization and its Member States may participate in the discussions. In such cases the meeting, in arriving at its decisions,<sup>1</sup> shall take into account only the intervention of the party which has the right to vote.<sup>2</sup>

8. For the purpose of determining a quorum, as specified in paragraph 7 of Rule VI, the delegation of a Member Organization shall be counted for a number equal to the number of its Member States which are entitled to participate in the meeting and are present at the time the quorum is sought, to the extent that it is entitled to vote under the relevant agenda item.

### **Rule III Officers**

1. The Commission shall elect a Chairperson and three Vice-Chairpersons from among the representatives, alternates and advisers (hereinafter referred to as "delegates") of the Members of the Commission; it being understood that no delegate shall be eligible without the concurrence

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<sup>1</sup> The word 'decisions' should be understood to mean both voting and situations where a decision is taken by consensus.

<sup>2</sup> The above is without prejudice to the question of whether or not the views of the party not having the right to vote shall be reflected in the report of the meeting. Where the views of the party not having the right to vote are reflected in the report, the fact that they are the views of the party not having the right to vote shall also be reflected in the report.

of the head of his delegation. They shall be elected at each session and shall hold office from the end of the session at which they were elected until the end of the following regular session. The Chairperson and Vice-Chairpersons may remain in office only with the continuing endorsement of the respective Member of the Commission of which they were a delegate at the time of election. The Directors-General of FAO and WHO shall declare a position vacant when advised by the Member of the Commission that such endorsement has ceased. The Chairperson and Vice-Chairpersons shall 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.

2. The Chairperson, or in his absence a Vice-Chairperson, shall preside at meetings of the Commission and exercise such other function as may be required to facilitate the work of the Commission. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

3. When neither the Chairperson nor the Vice-Chairperson are able to serve and, on the request of the outgoing Chairperson, during elections for the Chairperson, the Directors-General of FAO and WHO shall appoint a staff member to act as Chairperson, until either a temporary Chairperson or a new Chairperson has been elected. Any temporary Chairperson so elected shall hold office until the Chairperson or one of the Vice-Chairpersons is able to serve again.

4. The Commission may appoint one or more rapporteurs from among the delegates of the Members of the Commission.

5. The Directors-General of FAO and WHO shall be requested to appoint from the staffs of their organizations a Secretary of the Commission and such other officials, likewise responsible to them, as may be necessary to assist the officers and the Secretary in performing all duties that the work of the Commission may require.

#### **Rule IV Coordinators**

1. The Commission may appoint a Coordinator from among the Members of the Commission for any of the geographic locations enumerated in Rule V.1 (hereinafter referred to as "regions") or for any group of countries specifically enumerated by the Commission (hereinafter referred to as 'groups of countries'), whenever it may find, on the basis of a proposal of a majority of the Members of the Commission which constitute the region or group, that work for the Codex Alimentarius in the countries concerned so requires.

2. Appointment of Coordinators shall be made exclusively on the proposal of a majority of the Members of the Commission which constitute the region or group of countries concerned. In principle, they shall be nominated at each session of the relevant Coordinating Committee established under Rule XI.1(b)(ii), and appointed at the following regular



session of the Commission. They shall hold office from the end of this session. Coordinators may be reappointed for a second term. The Commission shall make such arrangements as may be necessary in order to ensure continuity in the functions of the Coordinators.

3. The functions of the Coordinators shall be:

- (a) to appoint the Chairperson of the Coordinating Committee where such committee has been set up under Rule XI.1(b)(ii) for the region or group of countries concerned;
- (b) to assist and coordinate the work of the Codex Committees set up under Rule XI.1(b)(i) in their region or group of countries in the preparation of draft standards, guidelines and other recommendations for submission to the Commission;
- (c) to assist the Executive Committee and the Commission, as required, by advising them of the views of countries and recognized regional intergovernmental and non-government organizations in their respective regions on matters under discussion or of interest.