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codex alimentarius commission



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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

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LENGTH AND CONTENT OF SESSION REPORTS OF THE CODEX ALIMENTARIUS COMMISSION AND ITS SUBSIDIARY BODIES

Prepared by the Secretariat

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Background

The issue of the length and content of reports of Codex sessions was discussed in several occasions. The 54th Session of the Executive Committee recommended that Codex reports should be kept shorter and should focus on the decisions and conclusions rather than on discussions.¹ More recently, at the 30th Session of the Commission, suggestions were made to produce shorter, outcome-oriented reports.² Some concerns and objections for producing shorter reports were also recorded.³

Codex is one of the unique United Nations bodies that produce relatively detailed session reports, which sometimes record the name of countries that made specific interventions. The reports of governing bodies of FAO and WHO usually do not specify the identity of delegations that made interventions. On the other hand, verbatim records are produced for sessions of the FAO Conference and the Council, and for the World Health Assembly and the Executive Board of WHO, where the names of countries/individuals that intervened in the debate are recorded. It should be noted that preparation of these verbatim records is the result of tedious work involving a number of person/days, and verbatim records are usually published several months after the meeting.

In the case of the International Plant Protection Convention, another international standards-setting body administered by FAO, the Commission on Phytosanitary Measures and its Standards Committee produce reports similar to Codex reports in their length and degree of detail. These reports usually do not reveal the identity of individual members that intervened in the discussion.

¹ ALINORM 04/27/4 paras 42-43

² ALINORM 07/30/REP para. 120

³ ALINORM 04/27/4 para. 45; ALINORM 07/30/REP para. 120

As far as the Codex Alimentarius Commission is concerned, effort has been made, over the last few years, to produce shorter, concise, outcome-oriented session reports, especially in the context of coping with limited financial resources and of an increasing number of Codex sessions per year.

Possible Benefits of Shorter Reports

In general, shorter reports offer the following benefits to Codex members, observers, host governments and Codex secretariats, and ultimately to the Codex membership as a whole:

- Shorter time for in-session preparation of a draft report and faster adoption of the report (thus enabling a shorter overall session duration, resulting in savings in travel costs for all participants);
- Reduced in-session burden of the secretariat (thus enabling the secretariat to focus more on the substantive matters)
- Reduced costs for translation and printing of draft and final reports (host countries and the Codex Secretariat);
- Prompt distribution of the report after a Codex session (thus granting a longer, subsequent commenting period to Codex members and observers);
- Greater ease in studying published, final reports (Codex members and observers);

Transparency

Concern has been expressed that shorter reports may affect transparency of the Commission's work; it has been argued that for Codex members that were absent in a meeting the session report provided the only means to learn about the debate that took place.

In ensuring transparency, it should be stressed that the most essential function of a session report should be to record what argument was presented, rather than who presented it and who supported or opposed it. A shorter, succinct report can be produced even out of a long discussion, if similar views expressed are summarised together. Such summary would not be possible if views expressed by each delegation are to be recorded separately.

In this context, it should be noted that in addition to the Rules of the Procedure of the Commission which provide that a statement of minority views be included when requested (Rule X.1), the Guidelines on the Conduct of Meetings of Codex Committees and *Ad Hoc* Intergovernmental Task Forces (hereinafter "*Guidelines*") provide further guidance on reports of the subsidiary bodies (see Annex). In accordance with these rules, the reports of the Commission and its subsidiary bodies always record names of the countries that were opposed to the conclusion reached by the Commission and its subsidiary bodies, whether the decision has been taken by a vote or not.

In order to enhance transparency of Codex work, audio recording has been introduced to the sessions of the Executive Committee and the Commission. Since 2005, any person having access to Internet can listen to the audio recording through the Codex website after a few weeks following each session of these bodies. Audio recording/webcasting has been experimented in a few other subsidiary bodies of the Commission as well. The Independent External Evaluation of FAO recently recommended that similar arrangements be introduced to the governing bodies of FAO.⁴

Trade-off between the length of report and its timely distribution

Inevitably, "trade-off" relationship exists between the length of a Codex session report and its timely distribution. The latter is another important factor of transparency. It should be noted that a lengthy report requires a longer time for translation and results in a shorter time for Codex members to evaluate the report and prepare government comments at the next step. This is particularly important in the context of annual sessions of the Commission.

It is not possible to place Codex committee sessions during the seven week periods prior to, or following, each Commission session: Otherwise, Codex committees cannot report to, or obtain instruction from the Commission. Consequently, many committee sessions are packed into February-April and September-

⁴ Report of the Independent External Evaluation of the Food and Agriculture Organization of the United Nations (October 2007, FAO), C 2007/7A.1-Rev.1 para. 761

November periods every year. Under these circumstances, any significant delay in the distribution of a session report will have negative impact on the members' ability to effectively participate in the work of Codex.

Whereas the *Guidelines* provide that a Committee report be distributed in the languages of the Committee no later than one month after the session, it is very difficult, in practice, to translate within a few weeks a Codex session report of the length (usually) between 6,000-12,000 words excluding appendices. Furthermore, when the Committee has appended to its report draft standards advanced to final adoption, the accuracy of the provisions thereof and amendments made thereto during the Committee session needs be technically scrutinised by the Codex Secretariat in all languages. This task sometimes requires up to a few weeks' work after the "linguistic" translation has been completed.

Recommendations

The Executive Committee may wish to consider the following:

1. The Commission and its subsidiary bodies should continue to make effort to produce concise and outcome-oriented reports. In particular:
 - The names of delegations should be recorded in the report upon request whenever a decision has been taken by the Commission or its subsidiary bodies despite their opposition, in accordance with the *Guidelines*;
 - The names of Codex members and observers that intervened should not be mentioned in the report as a matter of principle, except when it will make it difficult to understand the flow of arguments presented (e.g. the need to link the intervention of a member to a written comments submitted by the same member and produced in a working document, the intervention made by a delegation speaking on behalf of an Officer of the Commission or of the Chairperson of a subsidiary body or a working group established by the latter);
 - Arguments already presented by writing (e.g. official working document, conference room document) should be recorded by inclusion of a reference to these documents or by their brief summary, rather than by reproducing them in the session report.
2. Delegations should strictly refrain from opening substantive discussion during the adoption of report. They should not propose to include in the report what has not been stated earlier in the meeting.
3. Where a rapporteur has been appointed, the Chairperson should actively seek his/her advice when determining whether a specific statement was actually made during the discussion.
4. To further increase transparency of Codex work, the host governments of Codex subsidiary bodies are invited to consider the use of audio-recording and web-posting of the audio files within the limit of financial resources available.

ANNEX**GUIDELINES ON THE CONDUCT OF MEETINGS OF CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES****[EXTRACT]****CONDUCT OF MEETINGS**

[...]

Delegations and delegations from observer countries who wish their opposition to a decision of the Committee to be recorded may do so, whether the decision has been taken by a vote or not, by asking for a statement of their position to be contained in the report of the Committee. This statement should not merely use a phrase such as: "The delegation of X reserved its position" but should make clear the extent of the delegation's opposition to a particular decision of the Committee and state whether they were simply opposed to the decision or wished for a further opportunity to consider the question.

REPORTS

In preparing reports, the following points shall be borne in mind:

- (a) decisions 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;
- (b) 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;
- (c) where matters require attention by other Codex Committees, this should be clearly stated;
- (d) if the report is of any length, summaries of points agreed and the action to be taken should be included at the end of the report, and in any case, a section should be included at the end of the report 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 following appendices should be attached to the report:

- (a) list of participants with full postal addresses,
- (b) draft standards with an indication of the step in the Procedure which has been reached.

The Joint FAO/WHO Secretariat should ensure that, as soon as possible and in any event not later than one month after the end of the session, copies of the final report, as adopted in the languages of the Committee, are sent to all members and observers of the Commission.

Circular Letters should be attached to the report, as required, requesting comments on Proposed Draft or Draft Standards or Related Texts at Step 5, 8 or Step 5 (Accelerated), with the indication of the date by which comments or proposed amendments must be received in writing, so as to allow such comments to be considered by the Commission.