The Codex Chairpersons' Handbook

How to chair a subsidiary body
of the Codex Alimentarius Commission

CODEX ALIMENTARIUS
International Food Standards

The Codex Chairpersons' Handbook

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Introduction

The purpose of this Handbook

As chairperson of a subsidiary body of the Codex Alimentarius, you are part of the backbone of the Codex system — responsible for managing the work of your committee[1] , stewarding the conduct of its meetings and sessions, and building consensus so that your committee can achieve the tasks assigned to it and thereby advance the overall work of Codex. The Codex Secretariat has organized regular residential workshops for chairpersons since 2006, providing for informal gatherings of Codex chairpersons to foster communication and the sharing of best practices. At the workshop held in May 2017, new and recently appointed chairpersons identified the need for a simple, practical guide to assist them in preparing for and chairing Codex committee sessions.

This Handbook responds to that need. It is intended to serve as a living document and stimulate dialogue among chairpersons, secretariats and others involved in preparing for and conducting Codex sessions. The Handbook may also help promote good practices and consistent approaches for dealing with similar situations and issues when they across different committees.

Structure and content

This Handbook covers diverse aspects of your role as chairperson, along with the processes involved in preparing for and chairing Codex sessions. Each section provides a general introduction and lays out a range of tools at your disposal. The section on consensus provides background information on the discussion on consensus in Codex and describes a range of measures you can deploy to facilitate consensus in the work of your committee.

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1 | Since most chairpersons reading this Handbook will have been appointed to preside over the work of a Codex committee, the term "committee" is used throughout for simplicity's sake, but the material should be understood to apply equally to other types of subsidiary body convened under the auspices of Codex, such as ad hoc intergovernmental task forces.

This section complements the forthcoming FAO and WHO Guide for Codex delegates and chairpersons "Building Common Ground: Negotiation, Mediation and Facilitation Methods" (pending publication).

This Handbook also includes two one-page appendices providing references that may be useful during the conduct of a Codex session.

Using this Handbook

This Handbook is not intended to be prescriptive but to provide a set of tools and references ready-to-use in preparing for and during meetings. It does not replace the Procedural Manual or briefing notes, instead guiding you towards relevant documents you should be aware of and providing information on good practices deployed successfully in a number of committees.

Updating this Handbook

Intended to serve as a living document, this Handbook can be updated regularly to reflect experience and incorporate emerging practices, tips, procedures and references that may be discussed at future chairpersons' workshops or shared through the Codex Chairpersons' Platform[2]. Future updates could include short case studies or other means to illustrate good practices, especially for dealing with situations that frequently arise across many Codex committees, such as proposals for new work.

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2 | www.forum.codex-alimentarius.net

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Your role as chairperson

The host country of each Codex committee is responsible for appointing a chairperson from among its nationals, in accordance with the *Guidelines to host Governments of Codex Committees and ad hoc Intergovernmental Task Forces*, contained in the Procedural Manual.

The Procedural Manual sets out criteria that the host country may take into consideration in appointing the chairperson, but these are only advisory in nature, and host countries are not required to provide information on the process applied in appointing or changing chairperson. When there is a change of chairperson, the host country should notify the Codex Secretariat as far in advance as possible in order to help prepare the incoming office-holder for the role.

International experience and the capacity to communicate clearly both orally and in writing are important, not only during sessions but also in the preparatory process. While the Guidelines state that you should have an excellent command of "one of the working languages of the Commission", it should be noted that many Codex members rely on the most common language to communicate, especially in informal situations — the kind of flexible interactive settings that constitute an important added value of in-person Codex meetings. It is therefore preferable for chairpersons to possess fluency in English in addition to another official language of the Commission.

Independence and impartiality are essential characteristics for you to display as chairperson, and integral to your ability to chair, facilitate consensus and attain progress in the work of the committee and thereby Codex. It is crucial that all stakeholders can trust in your impartiality.

Good practices in this regard include: rephrasing and highlighting the importance of interventions that may not be clearly understood or fully appreciated by all delegations; carefully balancing the interventions of delegations from different regions; and remaining aware of all perceptions, whether valid or not, such as perceived regional biases.

The ability to serve continuously over an extended period of time is important to facilitate progress in your committee's work, will strengthen your knowledge and expertise, help build confidence and trust and ensure the consistency of decisions. There is no rule

governing length for service for committee chairpersons, while the chairperson and vice-chairpersons of the Commission may serve a maximum of three terms. While a long-serving chairperson may contribute stability to a committee environment, a new chairperson may herald improvements by imparting new energy or fresh ideas.

The diversity reflected in Codex means that chairpersons vary widely in terms of professional approach, personality and background. What is important is that you enjoy the trust and confidence of all stakeholders and maintain an open and approachable manner.

Your responsibilities as chairperson

You are responsible for the overall management and conduct of your committee's sessions.

You are responsible for the overall management and conduct of your committee's sessions, including time management, and for stewarding the discussion to ensure the conclusive consideration of the items on the agenda. In particular, you are responsible for ensuring adherence to all applicable rules.

Crucial aspects of your role as chairperson include employing all efforts to ensure that consensus is reached at the committee level within a reasonable period of time, and that all participants are able to express their views and understand others' contributions. Full participation leading to robust consensus at the committee level improves the likelihood of final approval of texts by the Commission.

As chairperson, you exercise complete control over the proceedings, granting the right to speak, putting questions to the committee, announcing conclusions and decisions, and making decisions on points of order.

You may propose:

- limiting the length of statements;
- limiting the number of times a delegate may speak on a matter;
- closing the list of speakers;
- suspending or adjourning the session;
- adjourning or concluding a debate.

You should have a good understanding of the objectives of the committee and make them clear to participants.

You should invite contributions, listen to all comments and ensure that all issues and views, including those submitted in written comments by delegations not physically present, are given full consideration. This may require you to seek clarification from a speaker or paraphrase an intervention to ensure it is understood.

Following the debate on each item, you should summarize the discussion and draw a conclusion that is acceptable to the committee. Chairpersons should always strive for consensus and should not ask the Committee to proceed with voting if agreement on the Committee decision can be secured by consensus. Voting on texts submitted for adoption is extremely rare in Codex, having taken place only once in the past 20 years — in the Commission's 2009 decision on ractopamine. The responsibility for facilitating achievements by consensus lies chiefly in your hands as chairperson (see *Consensus*).

Invitation and provisional agenda

The invitation and provisional agenda should be distributed at least four months prior to the session to allow participants sufficient time to make the necessary arrangements (relevant authorization, travel arrangements, visa, etc.). Delays in issuing invitations or provisional agendas may arise for a range of reasons, such as difficulties in identifying a suitable venue or concluding the letter of agreement/memorandum of understanding (LoA/MoU) between the host country and FAO. Such delays often arise when sessions are co-hosted or when an LoA/MoU must be renegotiated at each session.

You should have a good understanding of the objectives of the committee

As chairperson, you will consult closely with the Codex Secretariat on the preparation of the letter of invitation and provisional agenda: the Codex Secretariat prepares drafts of each for your input, including comments on the order of the agenda items and the possible inclusion of additional items. Additional items can also be included on the agenda based on inputs submitted by members and observers to you as chairperson or directly to the Codex Secretariat.

After the distribution of the provisional agenda, the FAO and WHO Directors-General and Members may propose the inclusion of an urgent matter. Any such items are placed in a supplementary list to be distributed to all Members.

Communicating with your fellow chairpersons

Although the scope and nature of the work before them varies, committees have more in common than not when it comes to managing their work, especially in dealing with contentious issues. In addition to the support that you receive as chairperson from the host country and Codex secretariats (see *Interaction with the Codex Secretariat and host country secretariat*), engaging with your fellow chairpersons may also serve as a valuable source of support.

Communicating with your fellow chairpersons also promotes consistency across committees in terms of approach to management and decision-making mechanisms, alternative or innovative approaches to controversial issues, and greater efficiency (e.g. expediting work, dealing with crosscutting topics).

It is good practice for chairpersons to share views, experiences and good practices. The residential workshops for chairpersons organized by the Codex Secretariat and the Codex Chairpersons' Platform online forum are among the tools designed to facilitate such exchange and enable chairpersons to benefit from one another's experiences.

Vice-chairperson, assistant to the chairperson and co-chairperson

Chairpersons may be assisted in their duties by a vice-chairperson or assistant. There is no rule or procedure governing the appointment of such persons, which remains at the discretion of the chairperson or the host country. Their responsibilities may include providing logistical and/or technical support, acting in an advisory capacity or sharing chairing responsibilities.

It has also become common practice for the chairperson of a committee at a session co-hosted by a second country to be accompanied by a co-chair nominated by the co-hosting country. Co-chairing a Codex session provides capacity-development opportunities for officials of the co-hosting country and has had a significant positive impact in building countries' interest, technical preparation and capacities to participate in Codex work.

Under a co-hosting arrangement, it is good practice for the co-chairperson to work closely with the chairperson and secretariats in the preparation of the session and participate with the chairperson in preparatory and briefing meetings. Depending on

the co-chairperson's experience and willingness, the chairperson may delegate her or him responsibility for chairing specific items on the agenda.

Relations with other committees

The Chapter of the Procedural Manual on *Relations between commodity committees and general subject committees* provides guidance on requests for advice and guidance addressed to general subject committees, as well as guidance on the procedure for seeking endorsement of provisions of draft texts[1] relating to food additives, hygiene, contaminants, pesticide and veterinary drug residues, labelling, and methods of analysis and sampling. It is important you be aware of the mandates of other committees and consult with the Codex Secretariat as necessary in order to ensure the consistency of Codex texts and to recognize the competence that another committee, in particular general subject committees, may have on a particular matter.

Relations between committees are usually handled through "matters referred" documents, which are prepared by the Codex Secretariat on the basis of the committee's reports (see Standard referred items).

Expectations of Codex stakeholders

It is good practice for you as chairperson to listen and maintain open dialogue with all committee stakeholders — Members, Observers and the Codex, FAO/WHO and host-country secretariats. Open dialogue contributes to developing trust and building credibility, and will help you in turn to understand participants' expectations, clarify their positions when necessary and facilitate consensus.

Members and Observers may express dissatisfaction with the outcome of a discussion or session, for example, during the adoption of the report. They expect you as chairperson to manage the discussion effectively (for example, by curtailing repetitive statements, including those of observer organizations) and draw clear conclusions that appropriately reflect all contributions

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1 | The term "standards" should be understood to include standards, guidelines, codes of practices and other texts developed by Codex.

so as not to reopen the discussion. This is a very challenging task requiring you to have a robust understanding of the matter under discussion, of the various positions taken on the matter, and of what can reasonably be achieved at the session. Open and informal dialogue with delegations, FAO and WHO and the secretariats prior to and on the margins of the session is key to reaching acceptable conclusion and results.

Your activities in addition to chairing your committee's sessions

Contributing to the critical review

Following the 2001 evaluation of Codex, the critical review and monitoring process was introduced as a mechanism to clarify and strengthen the standard-management functions of the Executive Committee (CCEXEC).

Under the critical review, the Codex Secretariat requests information from you and your fellow chairpersons — on, for example, the level of consensus in a committee, or the management of its work and workload — which is compiled for consideration by CCEXEC.

Attending other Codex meetings

As chairperson, it is customary for you to attend meetings of the Commission at which the work of your committee will be considered — for example, to provide clarification on the discussion and actions having led to your committee's conclusions, as necessary. In general, the Codex Secretariat will liaise with you as chairperson and brief you on questions that may arise during the Commission's discussions. During the Commission's deliberations, it may be incumbent upon you as chairperson of the committee dealing with a specific matter to respond to comments raised by delegations or make proposals to the Commission to facilitate the adoption or approval of a text before it.

Attending intersessional physical working group meetings

In recent years, in response to members' concerns regarding the cost implications and additional burden of participating

in intersessional physical working groups (PWGs) — convened separately in the period between the regular sessions of a committee — the practice of holding such intersessional PWG meetings has increasingly been replaced with either an electronic working group (EWG) or a PWG meeting held in conjunction with, usually immediately prior to, a regular committee session.

Intersessional PWGs may still be convened, generally in order to: (i) discuss complex issues that cannot be dealt with adequately via electronic means; and (ii) facilitate the rapid advancement of work.

Although no substitute for plenary committee sessions, PWG meetings, especially those with broad participation, may function in practice as a sort of "single-item committee" — empowered, in effect, by the establishing committee to reach agreement on a particular matter, with whatever agreement the PWG reaches being endorsed by the committee. Participating in such meetings provides a useful opportunity for you as chairperson to: (i) understand the discussion, potential compromises and outstanding issues; (ii) identify possible solutions for difficult issues; (iii) facilitate consensus (e.g. by continuing discussion with the PWG chairperson); and (iv) prepare for the plenary session.

Attending FAO/WHO meetings providing scientific advice to Codex

As a chairperson, you may also be invited to participate in the meetings of FAO/WHO scientific bodies or expert committees to assist risk assessors in their deliberations and help foster communication between risk assessors and risk managers.

At present, scientific advice is provided to Codex through its relevant committees by:

- the Joint FAO/WHO Expert Committee on Food Additives (JECFA), on aspects relating to the safety of food additives, contaminants and toxins, and residues of veterinary drugs;
- the Joint FAO/WHO Meeting on Pesticide Residues (JMPR), on aspects relating to the safety of residues of pesticides;
- the Joint FAO/WHO Expert Meetings on Microbiological Risk Assessment (JEMRA), on aspects relating to microbiological risk assessment; and
- the Joint FAO/WHO Expert Meetings on Nutrition (JEMNU), on aspects relating to nutrition[2] .

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2 | JEMNU was established in 2012 but has not yet been called into action.

In addition, FAO and WHO hold ad hoc expert meetings to deal with specific requests from Codex committees; recent examples include antimicrobial resistance and histamine.

The participation of you and your fellow chairpersons along with the Codex Secretariat in such meetings is important to ensure effective communication between the FAO/WHO expert risk assessors and Codex risk managers, and, in particular, to: (i) provide information on the work of relevant committees and clarifications on the background of specific requests/information on previous decisions; (ii) ensure that the scientific deliberations assist Codex committees in their standard-setting work; (iii) provide information on Codex processes where necessary; and (iv) better understand scientific deliberations in order to assist the Codex committees in their work.

Attending meetings of other organizations

As chairperson, you may also be invited to attend meetings of other organizations to present the work of your committee. Such exchanges are useful for enhancing coordination with other standard-setting organizations (e.g. World Organisation for Animal Health, United Nations Economic Commission for Europe), promoting harmonization, and contributing to the Codex objective of *"promoting coordination of all food standards work undertaken by intergovernmental and non-governmental organizations"* and to relevant activities of the Codex Strategic Plan. Since the Codex Secretariat monitors and reports to the Commission on activities related to coordination with international organizations, it is important that you coordinate with the Codex Secretariat regarding any such external participation in the activities of a counterpart organization.

Notes

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Preparing to chair a session

How to prepare

There is no single all-encompassing method or timetable to follow in preparing to chair a committee session. A great deal depends on your experience, the time you have available to devote to Codex and the extent of your other responsibilities. Personality, character and cultural background, among other things, also play an important role in the preparatory process.

Preparing for a session does not mean simply familiarizing yourself with the documents; it involves foreseeing possible scenarios and defining clear and attainable goals and a strategy to achieve them and facilitate consensus. Maintaining open dialogue with the secretariats, talking with working group chairs, listening to delegations and building an understanding of the context and constraints around certain discussions are all part of the preparatory process.

Preparatory work is team work: you will share responsibilities with the secretariats — host country, Codex, FAO and WHO — and multiple stakeholders will playing a role and contribute to the process. It is important to clarify responsibilities and expectations, maintain open dialogue and build trust.

It is good practice for you as chairperson to keep abreast of ongoing negotiations and Members' various positions, and for you to be perceived as a neutral party in order to facilitate dialogue and build consensus. Establishing and maintaining open dialogue with participants and the secretariats will help to ensure you remain informed and allow you to provide suggestions or envisage strategies for making progress and avoiding deadlock.

Since delegations expect that all items on the agenda will be given due attention, it is of the utmost importance that you manage the session and the time devoted to each agenda item effectively.

It is important for you to read and consider all comments in order to understand the various points of view on the issues at hand and the convergence or otherwise of positions; it is likewise important

to provide an opportunity, prior to or on the margins of the session, to discuss with delegations certain positions or the acceptability of what you anticipate to be a likely conclusion. Discussing critical issues, such as divergent opinions and expectations, with delegations in advance of the session provides an opportunity for them to reconsider their positions and compromise towards consensus.

It is also important for you as chairperson to communicate clearly about the support you require from the Codex Secretariat and the host country, and to maintain open dialogue with them in order to ensure a consistent approach to the management of your committee (see *Interaction with Codex and host country secretariats*).

Preparatory tools at your disposal

Basic texts

The Procedural Manual gathers together the essential texts governing Codex and its work, including the Statutes of the Codex Alimentarius Commission, the basic Rules of Procedures, Procedures for the elaboration of Codex standards and related texts, basic definitions and Guidelines for the operation of Codex committees. You should familiarize yourself with its contents and keep the latest edition (available on the Codex website) handy at all times.

It is good practice to be familiar with (i) the Procedural Manual; and (ii) Rule XII of the General Rules of FAO , the provisions of which apply to all matters not explicitly addressed in the FAO Rules of Procedure.

Codex is a rules-based organization and referring to the Procedural Manual assures delegations that decisions and conclusions are consistent with Codex rules and procedures. You can rely on the support of the Codex Secretariat to draw the committee's attention to relevant texts in the Procedural Manual. It is good practice to quote from the Procedural Manual, then paraphrase in plain language and explain how the rules and procedures apply to a particular context in the course of the proceedings.

Reports of previous sessions

The reports of the previous sessions of your committee are extremely useful reference tools. As the principal repository of relevant institutional memory, they provide background on a range of topics, a record of previous discussions and the rationale underpinning decisions.

The reporting methodology in Codex has evolved over the years. Reports are now shorter than they once were, giving only a brief summary of the discussion — focusing on the main substantive contributions and recording divergent views — leading up to clearly articulated conclusions, including the details of any next steps. Reports no longer attribute contributions to particular delegations unless so required — as when a Member requests that their reservation be explicitly recorded — or for the purposes of clarity. Expressions such as "some", "several" and "many" (expressing quantity, majority or minority) are generally avoided in the report.

It is good practice to read at least the reports of the two preceding sessions and any previous discussion of the items under consideration/relevant decisions.

Reports of the Commission

The reports of the Commission provide information on specific decisions of the Commission relating to a committee's work. These decisions are usually compiled in a "matters referred" document and organized under matters for (i) information and (ii) action.

- Matters for information usually relate to the Commission's decisions regarding texts and other decisions submitted to it for approval by committees. The Commission report records any reservations, the rationale for the adoption of texts and any amendments to the texts adopted.
- Matters for action contain requests by the Commission that a committee take certain steps. The report provides the background of and rationale for such requests.

Provisional agenda and order of items

The items on the agenda follow an established order: adoption of the agenda, matters referred, matters from FAO and WHO, items in

the Step procedure, discussion papers and other business. However, this customary order may vary to ensure the most meaningful logical flow to the discussion; for example, discussion papers can be considered before an item in the Step procedure if relevant to or may impact later discussions and decisions. The final items of the agenda are: (i) other business and future work; (ii) date and place of the next session (where applicable); and (iii) adoption of the report.

It is good practice for you as chairperson to ensure you fully understand the nature of the issues on the agenda and to anticipate how the session might unfold. You should be cognizant of how much time the discussion of each item is likely to require, and of the likelihood of consensus or the potential for controversy. The agenda should be structured in a manner conducive to making progress on key items.

Codex Alimentarius website

Each committee has a dedicated page on the Codex website where working documents are posted (www.codexalimentarius.org) as soon as they become available. All documents, except papers compiling comments, should be made available at least two months before a committee session in all its working languages (usually English, French and Spanish).

Codex Chairpersons' Platform

The Platform (www.forum.codex-alimentarius.net) is a dedicated online space for chairpersons to exchange views, ask questions and share their experiences. The value of the Platform depends on the use that you and your fellow chairpersons make of it.

Informal discussion with chairs of electronic and physical working groups

A committee may decide to convene an electronic or physical working group (EWG/PWG) mandated to achieve a specific task, such as drafting a standard or preparing a discussion paper. WGs are open to all Members and Observers and have a time-bound mandate. A WG is dissolved upon the completion of its task or the expiration of its mandate or at the discretion of the establishing committee.

The *Guidelines on Physical and on Electronic Working Groups,* contained in the Procedural Manual, cover, among other things, aspects relating to the composition, organization, procedures, management, secretariat, duties and terms of reference of WGs..

Since the purpose of a WG is to expedite the completion of some aspect of your committee's work, it is good practice for you as committee chairperson to discuss with the WG chair well in advance of the committee session — for example, when the WG has completed its work — expectations, any issues that may have arisen, approaches to and the likelihood of making progress, and how to resolve an impasse. Meetings with WG chairs are also usually included on the agenda of your committee's pre-session briefing (see *Pre-session briefing*).

Informal discussion with interested parties

As chairperson, you should remain aware of and maintain contact with the range of stakeholders interested in contributing to your committee's work. This includes, for example, regional coordinators, who, according to their terms of reference, *"exercise a general coordinating role for the region"*, including in preparing for Codex sessions and facilitating the exchange of comments. It has therefore become common practice for countries of the same region to hold preparatory meetings, facilitated by their regional coordinator, immediately prior to a committee session.

It is therefore important that you as chairperson make yourself available to meet with regional coordinators to discuss the agenda, their expectations and possible issues. Such meetings are useful not only to clarify Members' positions but also to assess the feasibility of their proposals and their readiness to compromise. You may wish to contact regional coordinators in advance of the session to organize such meetings.

The European Union (EU), after becoming a Codex member in 2003[1] , regularly requests meetings with the chairperson and the Codex and host-country secretariats prior to the session to explain the "Annotated agenda" and division of competence between the EU and its member States. These meetings have evolved over time and now offer the possibility for chairpersons to discuss expectations and possible outcomes, and clarify comments. In the light of these developments, the Codex Secretariat no longer attends such meetings (or other meetings that you as chairperson may hold with interested groups, unless you specifically request that the Codex Secretariat attend).

The group of countries comprising Australia, Canada, New Zealand and the United States of America — which may also coordinate their positions among themselves and with Pacific-island Members of the Codex North America and South West Pacific Region — may also request a similar meeting with you as chairperson.

Pre-session coordination conferences

It is customary to hold a pre-session coordination conferences with the host country, Codex and FAO/WHO secretariats, as applicable, a couple of months before your committee's session once most working documents, including any EWG/PWG reports, have been distributed. The purpose of such coordination conferences, which are usually held by teleconference, is to identify and analyse issues and possible outcomes of the forthcoming session, including possible approaches to the discussion, in-session working groups, changes to the order of the agenda and future work.

Pre-session coordination conferences also address logistics and administrative arrangements, such as the division of responsibilities — who will introduce certain agenda items — and schedule of meetings — for example, the timeframe for any in-session working group — which fall more broadly within the responsibilities of the host country secretariat. It is, however, good practice for you as chairperson to contribute to these discussions since these considerations will impact on how the session unfolds. Pre-session coordination conferences are also important for team building and to help the define roles and responsibilities of those involved in the preparation and conduct of the session.

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1 | Following the adoption of the amendments to the Rules of Procedure regarding the membership of regional economic integration organizations, the European Union (EU) became a "Codex Member Organization" — the only such Member to date.

Pre-session briefings

Pre-session briefings are normally held during the weekend immediately preceding the session, either on Saturday or Sunday, depending on the schedule of any pre-session PWG, the venue and any other activities or prior engagements. Besides you as chairperson and the Codex Secretariat, participants may include: your assistant, vice-chairperson, co-chairperson, and the FAO, WHO and host country secretariats.

The purpose of the pre-session briefing is to review the briefing notes, discuss issues and suitable solutions, and identify possible outcomes of the session. The briefing is also useful for chairpersons in preparation for meetings with delegations (see *Informal discussion with interested parties*).

It is good practice for the pre-session briefing to focus on outstanding issues and to share information to assist you as chairperson in conducting the session, including consultation on issues for discussion with individual delegations. The pre-session briefing offers a unique opportunity for you to clarify your expectations regarding the role of those involved in the conduct of the session, including the Codex Secretariat, FAO and WHO. The briefing can also serve as a team-building opportunity.

Although not generally possible due to the logistics of differing departures, it would be useful to give consideration to holding a debriefing with the same participants following the closure of the session.

Logistics and administrative arrangements

It is good practice to ensure a room is reserved for your use as chairperson, where you can meet with delegates and hold briefings with the secretariats. The host country secretariat is responsible for preparing in advance of the session a list of all pre- and in-session meetings along with a folder (electronic or hard copy) with all documents and relevant annotations.

Responsibilities for the preparation of documents

Working documents can be prepared by Members, Observers, the Codex Secretariat, chairpersons and EWGs and PWGs. With the exception of standing agenda items (e.g. matters referred; matters from FAO and WHO), the committee assigns responsibility

for preparing a document when defining its scope. The Codex Secretariat is responsible for issuing circular letters and the host country secretariat for the compilation of comments papers.

Working documents should be made available in the official languages of the committee. The responsibility for the translation of the working documents lies with the host country secretariat. The timely availability of documents in all languages has been an issue in the past, and Members are paying increasing attention to it. The late availability of a working document has been used as an argument for not discussing a document.

It is common practice to translate only those comments received within the specified deadline and to make late comments available in the original language of submission only, either as an addendum or a conference room document (CRD). However, some host countries continue to translate late comments.

The introduction of the Online Commenting Systems (OCS) should help harmonize the approach to comment papers and late comments.

Letter to Members/Observers

It is good practice for you as incoming chairperson to send a letter of introduction to all Codex Members and Observers (the Codex Secretariat can distribute it). You may wish to include a brief biographical note and describe your vision for the committee and its work, and the approach you intend to take.

You may also consider sending a letter to delegations (through their Codex Contact Points) on the objectives and possible achievements of a forthcoming session. Your committee's page on the Codex website provides a useful platform for communicating with delegations.

Orientation seminar for first-time delegates

In recent years, it has become common practice to hold a seminar for first-time delegates to give them a practical understanding of what to expect in terms of the sequence of events, established working methods and formal procedural conventions used in the conduct of Codex sessions. The seminar is also an opportunity for you as chairperson to share in an informal way your views and expectations regarding the work before the committee and explain

the way you intend to conduct the session; and for delegates to prepare to participate effectively in a results-oriented discussion by ensuring they are familiar with the agenda before the sessions. Such sessions can also help you become familiar with matters of interest to new delegates.

While valuable for all meetings — even of bodies with a long history and discussions familiar to many countries, such as the Codex Committee on Food Hygiene or that on Pesticide Residues – holding such an orientation seminar takes on greater importance in the case of newly established bodies and task forces, where most delegates will be participating for the first time.

Satisfaction survey

Satisfaction surveys are circulated at the end of each committee session to all participants. These surveys request feedback on various aspects of the session, including pre-session activities and meeting management. In particular, the survey includes three questions related to you as chairperson: (i) ability to facilitate debate; (ii) ability to understand, summarize and conclude discussions; and (iii) time management. The survey is managed by the Codex Secretariat and its results shared with the host country secretariat and with you as chairperson to assist in the preparation and conduct of subsequent sessions.

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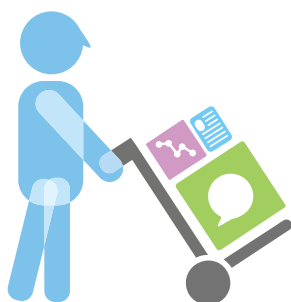
Chairing a session

How to chair

Chairing a Codex session is a demanding task that requires you to exercise authority, be knowledgeable about the matters on the agenda, understand the statements that may be delivered by participants, manage the discussion, draw clear conclusions, seek consensus, make proposals and manage time. To successfully discharge this broad range of responsibilities, you must be creative and command participants' trust and confidence.

Chairing can also be a physically demanding task, since meetings may run over time, continuing through breaks or into the evening or morning. Participants rely on you as chairperson to steward the work of the committee to reach its objectives; host countries rely on your performance to justify the resources invested in hosting the committee; and Codex as a whole relies on the integrity of you and your fellow chairpersons to uphold the credibility, legitimacy and integrity of the entire Codex system.

You can rely on the Codex Secretariat, host country secretariats and FAO and WHO for assistance in these tasks.

Applicable rules and procedures

Codex meetings are conducted in accordance with the Rules of Procedures of the *Codex Alimentarius Commission*. The *General Rules of FAO*[2] apply mutatis mutandis for all aspects not specifically covered by the Codex Rules of Procedure. The *FAO Guide on conduct of plenary meetings*[3] provides additional guidance to chairpersons.

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2 | http://www.fao.org/docrep/009/j8038e/j8038e02.htm#P6_2
3 | http://www.fao.org/3/a-mt488e.pdf

All Codex meetings, except the discussion of certain items by CCEXEC, are open to the public, who, subject to the availability of space and in accordance with security measures, may observe the discussion but not take the floor.

Session timetable

A Codex committee session normally comprises three or four working days of discussion, followed by one day dedicated to drafting the outcome report (a task performed by the Codex Secretariat, giving delegates a day free of official duties) and one day for its reading and adoption in plenary, which is normally completed in the morning but, depending on the issues under discussion, may last several hours.

Opening of the session

It is the prerogative of the host country whom to invite to address the opening meeting of the session; it is common for a higher-level government official to do so. The opening meeting may also include welcoming remarks on behalf of FAO/WHO (usually jointly), the Codex Secretariat and other dignitaries. It is good practice to keep the opening short, at most 30 minutes, and use other venues, such as an evening reception, for any additional speeches. Such details as the order of speakers and seating arrangements will be determined by the host country, taking into account local traditions and customs. Since Codex sessions are held under the auspices of FAO and WHO, it is important that representatives of both Organizations have the opportunity to address the session.

Following the opening, it is good practice to take a short break, with or without coffee/tea, to rearrange the head table before proceeding to consider the agenda. You as chairperson should then introduce the officials seated at the head table and give the floor to the host country secretariat for any housekeeping announcements.

It is good practice for you as chairperson to make some remarks at this stage on the way you intend to manage the session, your expectations in terms of the agenda and the time each item will require, and any contingencies. It is also good practice to recall that: (i) the report will include a summary of the discussion, without reproducing or attributing individual statements, followed by the agreed conclusions; and (ii) reservations will be recorded in

the report only where specifically requested by a delegation and formulated in connection with a precise point of the discussion, but not repeated in the conclusion (unless the reservation is related to the conclusion) (see *Reservations*).

Currently before opening agenda item 1, the chairperson should read the following text regarding the participation of the European Union and the division of competence:

Before proceeding to consider the items on the agenda, I would like to make a short announcement. The European Union is participating in this meeting in accordance with paragraph 5 of Article II of the FAO Constitution and Rule II of the Rules of Procedure of the Codex Alimentarius Commission. I have been asked to inform the committee that the declaration made by the European Union and its Member States is contained in document CRD 1 "EU repartition of competence", which has already been distributed to all members of the meeting. I hereby draw the attention of the meeting to that declaration.

There is no need to give the floor to the EU delegation unless it so requests or in order to respond to a pertinent question raised by another delegation (see *Participation of the European Union*).

Standing agenda items

Adoption of the agenda

You should request that participants raise any suggestions regarding amendments to the provisional agenda at this time, including any proposals for discussion under "Other business and future work", clarifying that the consideration of any such matters will be subject to the availability of time — that is to say, the session will not be extended to consider those additional items.

Additional topics Members may propose for inclusion during the adoption of the agenda are normally discussed under "Other business and future work"; alternatively, they may be discussed under a relevant item already on the agenda, should there be one. Any materials submitted for the committee's attention in relation to proposals for amendments or additions to or deletions from the provisional agenda are generally made available as conference room documents (CRDs).

It is good practice to hear all requests for amendments and additions to the provisional agenda before formulating a proposal on how to deal with them, drawing a conclusion and proceeding to the adoption of the agenda as orally revised — proper terminology being to refer to the "provisional agenda" (the document issued under that title) until, following any discussion of and amendments thereto, it is adopted and thereby becomes the formal, no longer provisional, "agenda".

Any change to the order of the items on the agenda is not considered an amendment. However, you should reiterate the programme of work for the session to the committee — that is to say, the order in which the items on the agenda will be considered and a rough idea of when you hope to reach each one — so that participants can be prepared for the discussion when the time comes (see *Provisional agenda, order of items*).

Matters referred

You should invite the Codex Secretariat to introduce the item, which contains matters: (i) for information; and (ii) for action. The Codex Secretariat will introduce the document and, through you as chairperson, request the committee either to note, in the case of a matter for information, or to take specific action, in the case of a matter for action. The Codex Secretariat may also propose that certain matters — whether for information or for action — be considered under relevant agenda items. It is then for you as chairperson to propose a timetable for considering the matters for action that fits efficiently into the programme of work for the session.

Other working documents

For each working document before the committee, you should invite the document originator — for example the chair of the authoring EWG, or a representative of FAO/WHO — or the Codex Secretariat to introduce it, giving some background on its development and an overview of its content, and draw the committee's attention to any relevant recommendations. The introduction should make clear what the committee is being asked to do by drawing its attention to any specific recommendations included in the document — for example, to advance the document in the Step procedure; consider other specific recommendations; or take note of the information provided.

It is customary to first open the floor to general comments; such comments will indicate the suitability of proceeding to consider the document in detail. Depending on the nature of the general discussion and the committee's support, you should consider delving into greater detail — discussing the document paragraph by paragraph — or propose that the committee consider the appropriate next steps for the document — for example, redrafting or discontinuing, among other options.

The discussion will depend on the nature — whether already in the Step procedure or a discussion paper — content — a numerical standard or a longer text — and length of the document.

When considering a document that is in the Step procedure, discussion should focus on identifying support for advancing it further. It is therefore good practice for you as chairperson to verify at the outset of the discussion whether there is adequate support for advancing the document in the Step procedure. When a document is in the preliminary stages of development — that is to say, fundamental issues regarding its scope and structure have not been fully resolved — it is better to have a general discussion to identify areas for improvement and define how the document should be further developed — for example, drafting ToRs for an EWG. For documents at a more advanced stage of development, the committee should proceed to the detailed consideration of the document — paragraph by paragraph, or section by section — focusing on new or revised text, with the aim of reaching agreement on advancement — for example, adoption at Step 5, 5/8 or 8. Although it is not best practice to delve into the drafting of texts during the plenary session (see *Use of screens*; in-session Working Groups), you may wish to consider making short amendments to texts in plenary to facilitate consensus and advancement in the Step procedure.

For each working document, you should invite the document originator

Summarizing discussion and drawing conclusions

It is of utmost importance that all delegations fully understand all decisions taken and how they were reached. In summarizing the discussion, you should highlight the points of convergence — recalling, for example, that delegations expressed support, there was no opposition or those who were not in support did not object — then draw clear conclusions that reflect the committee's agreement (e.g. the Committee agreed to). After carefully orally formulating the conclusion, you should verify that it has been understood and accepted by the committee.

Managing statements and the order of speakers

As chairperson, you are in control of the proceedings at all times. Participants may speak only if given the floor by you. To request the floor, the head of a delegation should seek your recognition — by raising their nameplate, indicating a request on the electronic speaking system should the meeting room be so equipped, or by whichever other means may be in place. They must wait for you to verbally invite them to speak before taking the floor.

It is good practice to remind delegations at the outset of the session: (i) to ensure that their statements are focused, succinct and relevant, and delivered slowly and clearly in order to facilitate the work of the interpreters; (ii) to address their remarks to you as chairperson and not to other delegates; and (iii) to constrain each statement to the matter under discussion and avoid remarks of a personal nature.

Although there are no written rules regarding the length of statements, chairpersons may limit the time allocated to each speaker. This may be necessary, for example, to expedite the committee's work and ensure adequate progress through the agenda.

While there are no written rules on how to manage statements, it is good practice: to hear all speakers before providing a response so as to avoid a time-consuming exchange of back-and-forth comments; to ask speakers to repeat or summarize any unclear statement; and gently to interrupt any speaker not addressing the issue under discussion.

If you judge a speaker's remarks to be improper — for example, of a personal nature or detrimental to the reputation of an individual, government or nation — you should intervene by calling the speaker to order.

While there is no mandatory protocol to be applied regarding the order of speakers, it is good practice, especially when the committee is taking a decision, to give the floor to Members before Observers and to allow for a second round of interventions only once all speakers have had the chance to take the floor. Electronic speaking systems assist you as chairperson in ensuring that all requests to take the floor are received and honoured, and in discreetly managing the order of speakers. It is within your prerogative as chairperson to take into account the complexity and sensitivity of the matter under discussion when deciding on the order in which different views are presented, always maintaining

neutrality and impartiality, with a view to promoting harmonious and productive deliberations.

Should interventions become repetitive, you may ask delegations to confine their remarks to simply expressing support, or otherwise, for a certain position, rather than repeating previously heard argument. When you address a question to the committee, you should be careful not to solicit many repetitive contributions; the way you phrase your question can help avoid such eventualities. When you summarize a possible conclusion, you should then ask the committee: "May I take it that the committee agrees to this proposal?" In the case of broad agreement, a flood of repetitive positive interventions may ensue. A different formulation — such as "are there any objections to this proposal?" — will avoid any such time-consuming repetition and elicit more focused responses.

Participation of the European Union

The European Union (EU) is the only Member Organization (MO) of Codex and participates in Codex sessions in accordance with paragraph 9 of Article II of the FAO Constitution and Rule II of the Rules of Procedure of the Codex Alimentarius Commission[1]. The EU submits in advance of each session an annotated agenda on the repartition of competence between the EU and its member States, which is usually issued as CRD1.

As chairperson you read a statement regarding the rules governing the participation of the EU in the session and CRD1 before proceeding with the adoption of the agenda. You are not required to give the floor to the EU delegation at this point but should direct any requests for clarification to the EU.

Depending on the degree of harmonization of the EU legislation, there are several possible scenarios:

1. | EU competence and EU vote (there is EU legislation covering such matters that must be applied by Member States (MS) — as in the case of maximum residue limits (MRLs) for veterinary drugs and pesticides);

2. | mixed competence and EU vote;

3. | mixed competence and MS vote;

4. | MS competence and MS vote.

    a. | With a common position

    b. | Without a common position

In situations 1, 2, 3 and 4a the EU members will have a common position, however, the different situations have will determine who presents the common positions, who votes and how named interventions (e.g. reservations) are recorded. In cases 1 and 2 a member of the EU Commission will present the common position and in cases 3 and 4 the common position is presented by the EU member holding the EU presidency at the time of the meeting. When giving the floor to this member the Chair should address them with the name of the country and make sure that they say if they intervene as a member or on behalf of the EU member states.

Rule II-2 addresses the rights of a MO to participate in Codex meetings, establishing that both the representative of the EU and its members have the possibility to develop or support the position of the EU on matters within EU competence.

Rule II-7 addresses agenda items of mixed competence, where both the EU and its members States have competence regarding portions or aspects of the agenda item under discussion. In this case, the EU may speak, in accordance with Rule II-2, and EU-member States may also speak on their own account on aspects of the agenda item under their competence.

Items of mixed competence impose no limitation on the speaking rights of EU-member States, either on their own account (i.e. as individual Members), or in support of the EU on matters of EU competence under Rule II-2. The speaking rights EU-member States remain intact in mixed-competence items since a topic within the agenda item is either: within national competence, and may therefore be addressed by the Member; or within EU competence, and members may still speak in support of the EU in accordance with Rule II-2.

When it comes to recording decisions under a mixed-competence agenda item, the footnote to Rule II-7 applies. This footnote is necessary since it cannot be predicted whether a decision concerns a matter of EU competence or of EU-member competence addressed under a mixed-competence agenda item.

You should confer with the Codex Secretariat to assess individual situations and determine the appropriate reporting language.

[1] Rule II-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.

Draft report

The Codex Secretariat is responsible for preparing the draft report with the support of the host country secretariat. The Codex Secretariat normally begins preparing the draft report, item by item, at the end of each day of discussion in order to expedite its completion and translation. Sessions usually include one day free of formal meetings preceding the adoption of the report during which the Codex Secretariat completes and compiles the preliminary draft report, which is reviewed — with the assistance of FAO and WHO where applicable — and submitted for final translation.

The Codex Secretariat will send you an advance copy of the draft report as soon as finalized. It is good practice to read it prior to the adoption to familiarize yourself with its contents.

It is good practice, depending on your availability, to provide comments on the preliminary draft report, verifying the accuracy of its conclusions and its account of the proceedings. However, you should provide any such feedback as swiftly as possible so as to avoid any delay in the finalization of the draft report. Any delay at this stage may impact on the timely availability of the draft report and its translations sufficiently in advance of the scheduled adoption.

Report adoption

The adoption of the report typically takes place in the morning of the final day of the session. Hard copies of the draft report in the working languages of the committee (usually English, French and Spanish) are normally made available one hour before the scheduled adoption to allow delegations time to review it and prepare. In recent years, draft reports have been made available on the committee's page of the Codex website when ready in all language versions; appendices (except Appendix I "List of participants", which is available earlier) are made available in English only as soon as available to allow delegations to check their accuracy.

The report is normally adopted paragraph by paragraph (or by group of paragraphs), while appendices are usually adopted page by page. It is good practice not to return to a paragraph once adopted or to take breaks during the adoption.

At the outset of the adoption, as chairperson you should remind

the committee that: (i) the adoption of the report is not an opportunity to reopen discussion, but rather to verify the accuracy of the text's reflection of the discussion and conclusions, including any reservations; (ii) the report does not attempt to give a blow-by-blow account of the entire debate; instead, it clearly records the committee's conclusions and provides a brief summary of the discussion and rationale leading to them; and (iii) the report does not attribute statements or otherwise name delegations unless necessary for clarity or such a request was made — for instance, to record a reservation.

It is good practice for you as chairperson to remind the committee: that oral proposals, for a new or revised text, should be read out at normal speed then repeated more slowly; and that amendments of an editorial nature, including corrections to translations, should be transmitted to the Codex Secretariat in writing at the end of the session.

The text of the draft report is usually projected on-screen, displaying each paragraph as it is up for adoption. Amendments to the draft report can be made directly on-screen; however, this requires a dedicated Codex Secretariat resources planned in advance and may prolong the duration of the adoption (see *Screens*). When amendments are made on-screen, it is good practice for you as chairperson to read out the proposed revision clearly and slowly but not to alter the text displayed on the screen until the change is approved by the committee.

Closing the session

Once the adoption is complete, your final task as chairperson is to close the session. It is good practice in your closing remarks to thank all those who contributed to the success of the session — including the interpreters, FAO and WHO, the staff of the venue, the host country secretariat, the Codex Secretariats and the delegates.

You should give the floor, time and interpretation permitting, to those who may request it. Participants will normally take the opportunity to express their appreciation to you as chairperson and make other comments.

After closing the session, it is good practice for you as chairperson to remain at the head table or at the front of the room as participants may wish to address you individually or even post for photographs. Such informal pleasantries help build relationships

and strengthen trust between you and your committee's stakeholders.

Immediate follow-up

Following the closure of the session, the Codex Secretariat will finalize and arrange for the distribution of the report. The English version of the report will be made available within one month; translations of committee reports are usually arranged by the host country secretariat. Your input may be required in exceptional circumstances to clarify amendments made during the adoption.

Following each session, the Codex Secretariat will request your input to the critical review (see *Critical Review*). The Codex Secretariat will later provide you and the host country secretariat with the analysis of the satisfaction survey, which will be open for delegates' input for one month following the session (see *Satisfaction survey*).

Tools at your disposal

Screens

In response to the growing demand for agreed texts and conclusions, displaying draft texts in real-time as they are composed or revised on a large wall-mounted projection screen — or electronic desktop screens, should the meeting room be so equipped — is good practice that facilitates discussion, promotes ownership and expedites consensus. Conclusions and texts agreed on-screen are reflected in the report.

Screens should be used to display the outcomes of a complex discussion, agreed ToRs and amendments to sensitive or contentious texts.

Screens are also used to guide delegations in following the precise points of the matter under discussion — for example, in the Codex Committee on Food Additives, to indicate the food additive provision under consideration, or the paragraph under consideration during the adoption of the report.

While there are many advantages to using screens when formulating texts, it should be noted that the practice requires the full attention of a dedicated Codex Secretariat official with a good

understanding of the issue under discussion, good command of English and experience in revising texts live on-screen based on inputs from the plenary. The Codex Secretariat is not always able to guarantee the availability of such expertise at all times throughout a session due to the multiple tasks and responsibilities its officials must balance; you should endeavour to anticipate any such needs as far as possible in advance and discuss the necessary arrangements with the Codex Secretariat.

The on-screen text should be visible to all participants in the conference room and at the head table. Those involved in on-screen drafting should be seated at the head table close to the chairperson and the Codex Secretariat. As on-screen text will be drafted in one language, usually English, it is good practice for you as chairperson or the Codex Secretariat to read it aloud at a reasonable speed for interpretation into the other languages.

When considering whether to draft or amend texts on-screen during the plenary, it is important to recall that this may become a time-consuming activity — especially when the text in question is lengthy or suggestions are made in multiple languages — and often generates comments of editorial nature rather than substantial ones. This may not always represent the best use of the resources of the plenary, including interpretation, given the other tools at the committee's disposal. It is therefore important for you as chairperson to exercise your judgement, in consultation with the Codex Secretariat and other stakeholders, in order to make prudent use of on-screen drafting capacities where most valuable for advancing the committee's work. It is important to plan adequate time for any such drafting during the plenary to ensure adequate time remains for discussion of the remaining agenda items.

Since delegates are increasingly taking photographs of on-screen drafts, you as chairperson should pay close attention to the accuracy of any text proposed on-screen for the approval of the committee since there will be little-to-no flexibility for its editorial amendment once included in the final report.

In-session working groups

In-session working groups are usually established during the adoption of the agenda. They can replace the holding of a PWG immediately prior to the session, helping to save resources and avoiding a session of prolonged duration. Although they must be re-established at each session, some in-session WGs are recurrent

Displaying draft texts in real-time is good practice

— for example, CCFA customarily establishes an in-session WG on priority — while others are established for a single instance to deal with a specific issue. In-session WGs aim to expedite progress in work, facilitate decisions before the committee and achieve progress on difficult issues through informal discussions facilitating consensus. In-session WGs may be tasked to, among other things: draft or revise documents, including based on comments received; prepare terms of reference; prepare proposals for specific sections of a document; and prepare a working document.

In-session WGs are normally held in the plenary conference room during lunch breaks or before or after the plenary. Time allowing, they can be held during scheduled meeting hours to make use of interpretation services at no additional cost to the host country. You should consider carefully before agreeing to allow an in-session WG to meet during the plenary time as this approach may be perceived by some delegations as an ineffective use of the valuable and limited time for plenary discussion.

In-session WGs should prepare a report, distributed as a CRD, with recommendations for the consideration of the plenary. The availability of the report impacts on the order of consideration of the related agenda items. In-session WGs do not normally meet on the last day of discussion because of the difficulty of preparing a report in time for the consideration of the plenary.

As chairperson, you do not necessarily have to participate in in-session WGs but being present allows you to observe the discussion.

In-session WGs held during lunch breaks or outwith plenary meeting hours generally do not benefit from interpretation services due to the additional costs. Although open to all, participation may be limited due to the subject matter and to possible fatigue of delegates, especially those of small delegations.

As chairperson of the committee, you do not necessarily have to participate in in-session WGs but being present allows you to observe the discussion without the responsibility of chairing the session.

When planning for in-session WGs, it is good practice to: consider a maximum of four WGs per session; identify a chair, and possibly a rapporteur, for each in advance; prepare draft ToRs to be discussed in advance with the WG chairs; anticipate when reports will be available and possible rearrangement of agenda items; plan for the use of screens and assistance from the host country secretariat; and consider the feasibility of using part of the plenary session, for example time remaining time in an afternoon following the conclusion of an agenda item.

Informal meetings of interested parties

Bringing delegations together for informal meetings can be useful in refining a text or preparing a proposal to reflect consensus, or to seek consensus when it is only a limited number of delegations that have divergent positions. As chairperson, you may wish to encourage delegations concerned to meet informally — for example, during a coffee or lunch break, or after the day's proceedings are over — to discuss a specific topic or issue, and report back on the assigned task to the plenary. No formal decision by the committee is required to hold such informal meetings, nor must they produce a written report (as in-session WGs must). Such meetings therefore represent a more flexible tool useful for preparing concrete proposals to the plenary on complex issues following prolonged discussion.

As chairperson it is important to prepare a programme of work to ensure that all items are given due consideration.

Coffee breaks

Plenary sessions include coffee and lunch breaks that you can put to strategic use in effectively managing the agenda. Breaks can be used to: (i) delineate the time allocated for the discussion of an agenda item; (ii) adjourn a plenary discussion; and (iii) expedite conclusions. You can use breaks to discuss issues with delegations; build consensus; identify compromise solutions; facilitate discussion among interested parties (see *Informal meetings of interested parties*); and confer on matter with the Codex Secretariat (see *Consultation at the head table*).

Consultation at the head table

Following prolonged discussion on a matter, you may wish to consult with your colleagues seated at the head table — for example, with the Codex Secretariat or FAO/WHO on matters of a procedural or technical nature — in order to summarize the discussion and identify next steps. Participants may become frustrated watching discussion proceed at the head table without being party to it. To keep delegations engaged and focused, it is good practice for you as chairperson to transparently acknowledge the need for consultation, perhaps with some words to the effect: *"Delegates, I need to discuss a matter briefly with the Secretariat*

and thank you in advance for your patience. Please give us three minutes, which I invite you to use to reflect".

Session plan, time management and extra meetings

The committee expects that all items on the agenda will be given due consideration in the course of the session. Some delegations may only be interested in a specific subject, while other countries may have invested significant resources in a certain area or in bringing specialist expertise to the committee to deal with a particular item. It may be frustrating for such delegations if the committee is not making progress or does not adequately discuss the item in which they are particularly invested. It is therefore important for you as chairperson to work with the Codex Secretariat to prepare a programme of work to ensure that all items are given due consideration and to assist you in managing time in accordance with that programme.

It is good practice for you to open each day of deliberations by recalling the matters the committee will deal with that day — with remarks to the effect: *"Delegates today we will cover the following items XX and, if time allows, also start discussion on item XXX"* — then to give a corresponding status check at the end of the day — *"In the light of today's discussion, tomorrow morning we will start considering/continue discussion on agenda item XX before proceeding to discuss item XX".* This approach also provides a useful reminder for countries holding their own coordination meetings to prepare for the discussion.

The plan for the session may also include a contingency for extra evening meetings. Such contingencies should be discussed in advance with the host-country secretariat given the cost implications of additional interpretation time and possible conflicts — with, for example, in-session working groups, side events, etc.

Making proposals

An important element of your role as chairperson is to catalyse progress by making proposals — suggesting text, proposing a new approach or floating a way forward. Although your proposals may not always receive the support of all delegations, they may help overcome an impasse or build consensus by stimulating reflection and discussion and creating an atmosphere of creativity and flexibility.

Reservations

A delegation may request that concerns it may have expressed with regard to a decision of the committee, whether taken by vote or not, be recorded in the report.

The record of such reservations in the report should be formulated in such a way as to make clear the extent and nature of the delegation's concerns, stating regarding which particular decision, whether they were simply opposed to the decision or wished for a further opportunity to consider the question.

Voting

Although the holding of a formal vote is rare in Codex — indeed, there is no record of any vote having been held in any Codex committee during the past 16 years — any Member may request such a vote. The applicable instructions for voting are contained in Rule XII of the General Rules of FAO.

Should a decision made by you as chairperson on a procedural or similar matter be challenged by a delegate, you may request that the delegate submit an alternative proposal, which must be seconded before being put to the vote. Should the proposal obtain a majority of the votes cast, it passes; should it fail, your ruling shall stand (see *Points of order*).

If the result of a vote by show of hands or of a roll-call vote is challenged, you must hold a second vote. It is good practice for you as chairperson to make an oral announcement clearly articulating the matter being put to the vote.

Points of order

A point of order is a question or request to you as chairperson regarding a matter of procedure. You must respond and rule on a point of order immediately.

In principle, points of order can only deal with the following matters:

i. the competence of the meeting to deal with a particular question;
ii. the procedure being applied or to be adopted;
iii. the application of the Statutes or Rules of Procedures of the

Commission with regard to the matter under discussion;

iv. the manner in which the debate is being conducted;

v. the maintenance of order;

vi. information on the matter under discussion;

vii. material arrangements (seating, interpretation, etc.); and

viii.documents and translations related to the matter under discussion.

A delegate wishing to speak on a point of order must stand with nameplate raised, but may not speak on the substance of the matter under discussion.

You may rule that the question or request is not a point of order.

A delegate may appeal your ruling on a point of order. Such an appeal shall immediately be put to a vote, no one being permitted to speak.

Suspending or adjourning a session

Any Member may move to suspend or adjourn the meeting, as may you as chairperson. Suspension means a temporary pause in the proceedings for a duration to be determined by you as chairperson. Adjournment means the closure of the meeting, further discussion being postponed until such later time as determined by you as chairperson.

A proposal to suspend or adjourn the meeting shall be put to the vote immediately, without debate. If defeated, the proposing delegate may not make such a proposal again at the same meeting unless the subject under discussion has changed.

Catalyse progress by making proposals

Adjourning or closing a debate

Adjourning a debate means temporarily abandoning the discussion on a specific subject until a later time, normally specified in the motion to adjourn; if no time is specified for resumption, the adjournment is assumed to mean until a later/future meeting. The chairperson should make the terms of the proposed adjournment clear before putting it to the vote. Closing a debate means ceasing all discussion on a specific subject for the remaining duration of the session.

Any Member may move to adjourn or close a debate, as may you as chairperson.

When considering a motion to adjourn, you may not allow more than two delegates to speak in favour and two against. When considering a motion to close debate, only two delegates may speak against.

You must then put the proposal to the vote. When a debate has been closed in this manner, no delegate may reopen the discussion on the substance of the matter.

Written comments (solicited and unsolicited)

Written comments are compiled in working documents or CRDs. Late comments — received after the established deadline — are compiled as addenda ("add. papers") or in CRDs. The introduction of the Codex Online Commenting System should reduce the number of late comments.

Comments are usually requested on drafts in the Step procedure and, less frequently, on discussion papers and other documents, such as matters referred. The average period allowed for the submission of comments is two months, depending on the interval between the issuance of the document and the date of the session at which it will be considered.

As chairperson one of your responsibilities is to draw the attention of the committee to comments submitted in advance by delegations not physically present at the session.

Electronic and physical working groups (EWGs/PWGs)

EWGs/PWGs make a crucial contribution to achieving consensus and enhancing the acceptance, ownership and legitimacy of Codex texts by involving all Members and Observers interested in a specific subject in working together.

EWGs/PWGs play a fundamental role in advancing the work of Codex, recognized and codified in the *Guidelines on Physical Working Groups and on Electronic Working Groups* of 2000, contained in the Procedural Manual.

The Guidelines recognize the need to enhance the participation of developing countries along with the cost implications of participating in physical meetings, therefore requiring that PWGs be established only when there is consensus to do so in a committee.

There are a number of efforts under way to ensure the openness and transparency of WGs, including: the EWG online discussion forum — forum.codex-alimentarius.net — moderated by EWG chair, which allows Members and Observers to read each other's comments; and the initiative of the Codex Committee on Food Import and Export Certification and Inspection, linking physical WGs with the use of virtual and web-based modalities to function as a pilot hybrid physical-electronic WG, allowing for remote real-time participation in a physical meeting.

WGs are usually established by Codex subsidiary bodies to advance their work and report to the subsequent session. WGs do not make decisions, only formulating recommendations for consideration by the committee. In exceptional cases, the Commission has, in order to expedite work, established WGs mandated to report directly to the relevant subsidiary body — for example, the EWGs established by the 40th Session of the Commission to report to the 5th Session of the Ad hoc Codex Intergovernmental Task Force on Antimicrobial Resistance, and the EWG established by the 38th Session of the Commission for the Codex Committee on Sugars.

Although a WG makes no decisions, the level of participation and consensus in a WG may justify limiting plenary discussion on a particular issue on which there was agreement in the WG and focusing instead on the outstanding issues the WG identified.

It is good practice for you as chairperson to communicate with WG chairs in order to remain informed about their work and to participate in PWG meeting (see *Attending intersessional physical working group meetings*).

WG chairs are invited to participate in the pre-session coordination conference to discuss approaches for the plenary and anticipated outcomes (see *Pre-session coordination conferences*).

Although WGs are useful tools, it is important for you as chairperson not to view them as the only way to achieve progress. Actively contributing to WGs has significant human-resources and cost implications for Members, in particular for those with broad interest in Codex work. It is therefore preferable to establish WGs selectively, primarily for items in the Step procedure, rather than for discussion papers, which can be developed more efficiently by one or more Members/Observers.

Relations with the Codex and host country secretariats

There is no written procedure or guidance defining the respective roles and interactions of chairpersons and the Codex and host country secretariats during and between sessions. The host country and Codex secretariats are responsible for the technical, procedural, administrative and logistical preparations for and follow-up to Codex sessions. In the periods between sessions, your input may be required for technical and other aspects of preparations. The level of interaction between you and the secretariats depends on the time you have available to dedicate to Codex matters (see *Preparing to chair a session*). If you are new to the role of chairperson, the secretariats may organize meetings or other events to help you prepare for your duties.

During sessions, you can rely on the Codex Secretariat for support and advice regarding procedural and institutional matters — applying the procedures for advancing a text or establishing an EWG/PWG, recalling relevant decisions of the Commission, etc. It is common practice for you as chairperson to use meeting breaks to confer with the Codex Secretariats on matters such as ways to advance the discussion, approaches to find consensus and possible conclusions (see *Consultation at the head table*).

The extent and nature of the support you may require from the Codex Secretariat will likely depend on your prior experience. To favour the effective conduct and success of Codex meetings, it is important for you as chairperson to be clear regarding the support you expect to receive from the Codex Secretariat, both in the lead-up to and during the session, and to maintain open dialogue — this will also allow the Codex Secretariat to keep you informed of any changes in personnel, responsibilities or relevant procedures.

Interactions, both formal and informal, are key to building trust, understanding and effective working relationships. Informal meetings and residential workshops for Codex chairpersons are a great opportunity for you to get to know your fellow chairpersons, the Codex Secretariat and FAO/WHO colleagues better, and to deepen your understanding of good practices from other committees. The chairpersons of several committees have instituted the practice of holding an informal gathering with the secretariats and other key stakeholders — for example, EWG/PWG chairs — prior or after the session. Such gatherings contribute to team building and give you as chairperson the opportunity to thank the various players involved for their contributions to the success of the session.

Notes

5

Consensus

Background

As chairperson, you will play a critical role in achieving consensus at all stages of developing a standard. As a matter of principle, only texts on which consensus has been reached should be submitted to the Commission for adoption. It is equally important that Members and Observers ensure, through appropriate preparation and consultation, that issues dealt with successfully at the committee level are not raised again during the Commission.

The debate regarding working by consensus within Codex has a long history but intensified in the late 1990s following a number decisions taken by vote in the Commission that passed by only a narrow majority — most notably the 1995 and 1997 decisions to adjourn debate on MRLs for bovine somatotropins, and the 1997 decision to adopt the revision of the *Standard for Natural Mineral Waters* (CXS 108-1981). At that time, the *Guidelines for Codex Committees,* in the Procedural Manual, stated that *"the chairperson should always try to arrive at a consensus and should not ask the Committee to proceed to voting if agreement on the Committee's decision can be secured by consensus"*. However, the Commission deemed it necessary to amend the Rules of Procedures (Rule XII Elaboration and Adoption of Standards) to stress that that all efforts should be exhausted to reach agreement by consensus on the adoption or amendment of standards and that voting should take place only when all means of reaching a decision have been thoroughly explored without success.
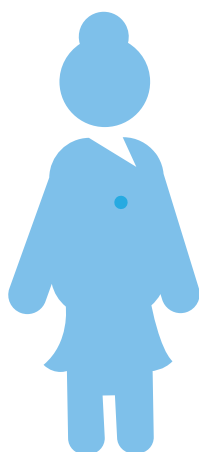
In 2000, the Commission adopted in addition the *Guidelines to Chairpersons of Codex Committees and ad hoc Intergovernmental Task Forces and Measures to facilitate consensus* (contained in the Procedural Manual), which highlight the need to ensure that Codex texts are scientifically sound, have been thoroughly discussed by the committees and are not forwarded to the Commission for adoption until consensus has been achieved at the technical level. These texts also provide for: the organization of informal meetings of concerned parties; the redefinition of the scope of the texts under consideration to resolve issues on which consensus cannot be reached; the formulation of compromises with a view to

As chairperson, you will play a critical role in achieving consensus at all stages of developing a standard.

advancing texts in the Step procedure; and the involvement and participation of developing countries.

The concept of consensus was also considered by the 2002 Evaluation of Codex. Its findings stressed that active consensus-building was vital to the legitimacy of Codex and recommended that Codex develop guidelines for committees on the meaning of consensus, and on decision-making in the absence of consensus. The Evaluation also highlighted the advantages of consensus-building and of intersessional facilitation to take into account the reduced capacity of delegates to consult with their governments during committee sessions.

Further discussion on consensus recognized the need to gain greater experience in applying the *Measures to facilitate consensus* before developing any further guidance, including a definition of "consensus". In accordance with the Codex Strategic Plan 2014–2019, ongoing efforts focus on improving the understanding among Codex participants of the importance of and approach to consensus-building in Codex work and on developing the capacities of chairpersons to achieve consensus.

Measures to facilitate consensus building

During sessions:

Create a constructive atmosphere in the room

- Create a constructive atmosphere in the room.
- Ensure that the meeting is running smoothly, everything is well prepared, there are no technical hiccoughs and decisions are taken consistently so as to enhance participants' willingness to accept compromise proposals.
- Set a timeline for the discussion of each item, in particular for documents in the Step procedure, to ensure that the committee discusses all topics thoroughly.
- Recall the context, background and status of each item clearly when opening and closing items.
- Clearly articulate the issue under consideration by the committee at each stage and make sure it is fully understood — for example, by projecting on-screen the item or paragraph under discussion to avoid out-of-place interventions.
- Ensure that all participants have equal opportunity to take the floor, that all remarks are addressed to the chairperson and not to individual delegates, and that courtesy and decency are observed throughout the debate.

Promote mutual understanding

- Keep discussion focused on one issue at a time, ensuring each is resolved before moving on to the next; this will help build confidence among participants that all items have been considered thoroughly and promote consensus.
- Make participants feel welcome and strengthen their sense of ownership by encouraging their active participation and expression of views and concerns.
- Ensure that all participants leave the meeting satisfied their positions have been duly heard, whether or not adopted.
- Listen attentively and speak sparingly give more chance of intervention to delegates.
- Articulate decisions clearly, summarizing the discussion and rationale underpinning the process leading to a particular decision.
- Promote mutual understanding by having Members explain the rationale underlying differing viewpoints.
- Ask delegates to specify their reasons for objecting to the advancement of a matter and what additional information would be necessary to resolve their concerns.
- Read aloud written comments submitted by delegations not in attendance, drawing the meeting's attention to them at the relevant time to ensure full and equitable participation and transparency, and to prevent possible opposition at a later stage, such as at the Commission, for any such omission.
- Consider composing and revising draft texts in real-time projected on-screen visible to all participants, then provide a clean copy of the revised text for participants to consider either overnight or during a break.
- Should plenary discussion reach an impasse, move on to examine the whole text in question — allowing participants to digest the issues, talk among themselves, meet informally and consider the broader perspective — before returning to the sticking point.
- Clarify the possible consequences of failing to reach agreement, including the unwelcome prospect of losing all time and money invested, which can motivate the disputing parties to work together to find a mutually acceptable solution.
- Emphasize that there is an agreed deadline for the final adoption of the text under consideration.
- Avoid spurious, irrelevant, incidental or detrimental debate, drawing the meeting's attention to, or requesting the Secretariat to recall, relevant conclusions reached and

precedents set within Codex, especially regarding definitions and other terms.

- Do not advance a text in the Step procedure until you are sure there is consensus among meeting participants to do so.
- Establish in-session working groups (WGs) to craft proposals or draft texts for consideration in plenary as a means of forging consensus, strengthening ownership and creating a common sense of urgency.
- Make proactive use of informal consultations (e.g. during coffee or lunch breaks) to gather interested parties to discuss particular aspects of a decision or text as a means of facilitating progress towards a compromise solution.
- Seek out parties during breaks to resolve issues that may block consensus.
- Encourage and participate in informal discussion between the members with most interest in a given issue to help maintain a constructive atmosphere.
- Avoid matters that would be handled more appropriately in other committees.
- Do not try to reach consensus on a matter on which consensus can never be reached; instead, reframe the issue so that common understanding can be reached.
- Consider suspending discussion on a deadlock issue, to be resumed once the context has significantly changed or the feeling in the committee has evolved.
- Hold an orientation seminar for first-time delegates prior to the plenary to ensure they understand the background to the discussions and to provide them the opportunity to ask questions in an informal setting.
- Do not feel guilty when consensus cannot be reached; instead, simply state that there seems to be no consensus and ask participants how they wish to proceed/manage the situation.

Make proactive use of informal consultations

Between sessions:

- Recommend that delegates be empowered by their national authorities to deal flexibly and proactively with issues that may arise.
- Request that the preparation of documents, whether by WGs or rapporteurs, be completed in a thorough manner, with a view to facilitating discussions.
- Contact specific delegations to ensure an adequate balance of views in WG outcomes.

- Contact the main parties to a discussion and encourage them to be in touch with each other to seek a solution.
- Encourage parties to meet informally at a time likely to facilitate progress in negotiations.
- Organize regional workshops in preparation for WGs to ensure stakeholders are fully informed about the issue and to allow them to voice concerns.
- Hold facilitation discussions to help enhance understanding of the issues at hand.
- Consider providing financial support for developing countries to participate in workshops, seminars and WGs.

Appendix 1

Codex Step procedure

The Uniform Procedure for the Elaboration of Codex Standards and Related Texts (Eight-Step procedure) is described in Section II "Elaboration of Codex texts" of the Procedural Manual.
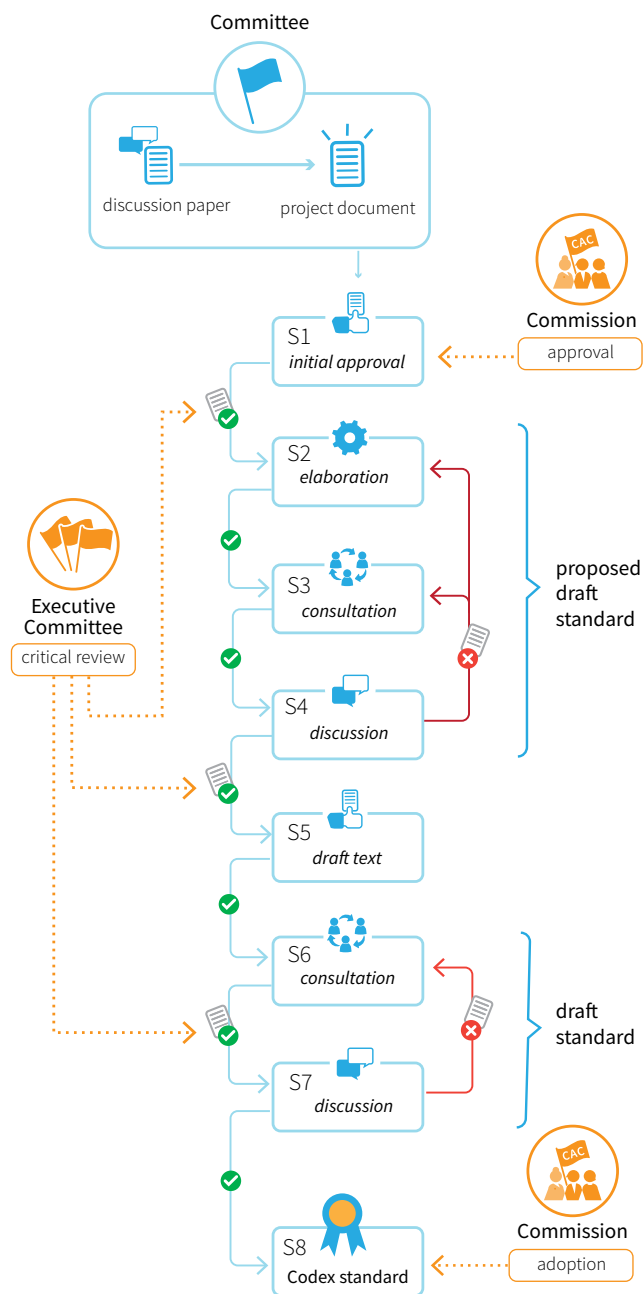
The eight-Step procedure comprises initial approval (Step 1) followed by elaboration (Step 2) and:

- two rounds of consultation (Steps 3 and 6);
- two rounds of discussion at the committee level (Steps 4 and 7); and
- two rounds of approval by the Commission (Steps 5 and 8).

Step 1 - | Initiation of new work is approved by the Commission (CAC) following critical review of the project document by the Executive Committee.

Step 2 - | A proposed draft document is elaborated by a Member or an electronic or physical working group (EWG/PWG).

Step 3 - | Comments are requested via circular letter (CL) issued by the Codex Secretariat.

Step 4 - | The proposed draft document and comments received at Step 3 are considered by the committee, which may agree to:

i. forward the proposed draft to the Commission for adoption at Step 5 or Step 5/8;
ii. return the proposed draft to Step 2 for redrafting (by a Member or an EWG/PWG);
iii. circulate the proposed draft for another round of comments at Step 3; or
iv. hold the proposed draft at Step 4 for consideration at its next session.

Step 5 - | The proposed draft document is adopted by the Commission, taking into account the outcome of the critical review and the comments submitted by Members and Observers in response to the CL.

Step 6 - | The draft document is circulated for comments via CL issued by the Codex Secretariat.

Step 7 - | The draft document and comments received at Step 6 are considered by the committee, which may agree to:

i. forward the draft to the Commission for adoption at Step 8;
ii. circulate the draft for another round of comments at Step 6; or
iii. hold the draft at Step 7 for consideration at its next session.

Step 8 - | The Commission decides whether to adopt the draft as a final text, taking into account the outcome of the critical review and the comments submitted by Members and Observers in response to the CL.

With consensus, Steps 6 and 7 may be omitted and a document submitted for adoption at Step 5/8 (this is not the "accelerated procedure", which includes only the first five Steps).

Appendix 2

Pro forma report conclusions

Adoption of a text

The Committee agreed to:

- forward the draft/proposed draft XXX to CACXX for adoption at Step 8/Step 5/8
- (for texts subject to endorsement)
- forward the section[s] on food additives/hygiene/contaminants/labelling/methods of analysis to the respective committee[s] for endorsement.

New work

The Committee agreed to:

- forward the project document on the development of XXX to CACXX for approval as new work
- establish an electronic working group/physical working group (EWG/PWG) (see below) to prepare, subject to the approval of the Commission, the proposed draft XXX for circulation for comments at Step 3 and consideration at CCXX
- (when the project document is not available)
- request that XXX submit the project document to CACXX (through the Codex Secretariat) for approval as new work; and
- establish an electronic or physical working group (EWG/PWG) (see below) to prepare, subject to the approval of the Commission, the proposed draft XXX for circulation for comments at Step 3 and consideration at CCXX

Establishment of an EWG

The Committee:

- agreed to establish an EWG, chaired by XXX [and co-chaired by XXX], working in English [French and Spanish] to: [describe the task or insert detailed terms of reference (ToRs)]; and
- noted that the report of the EWG would be made available to the Codex Secretariat by [indicate date, usually at least three months prior to the relevant committee session].

Establishment of a PWG

The Committee agreed to:

- establish a PWG, chaired by XXX [and co-chaired by XXX], working in English [French and Spanish] to be held [indicate date/immediately prior to CCXX), to: (describe the task or insert detailed ToRs)

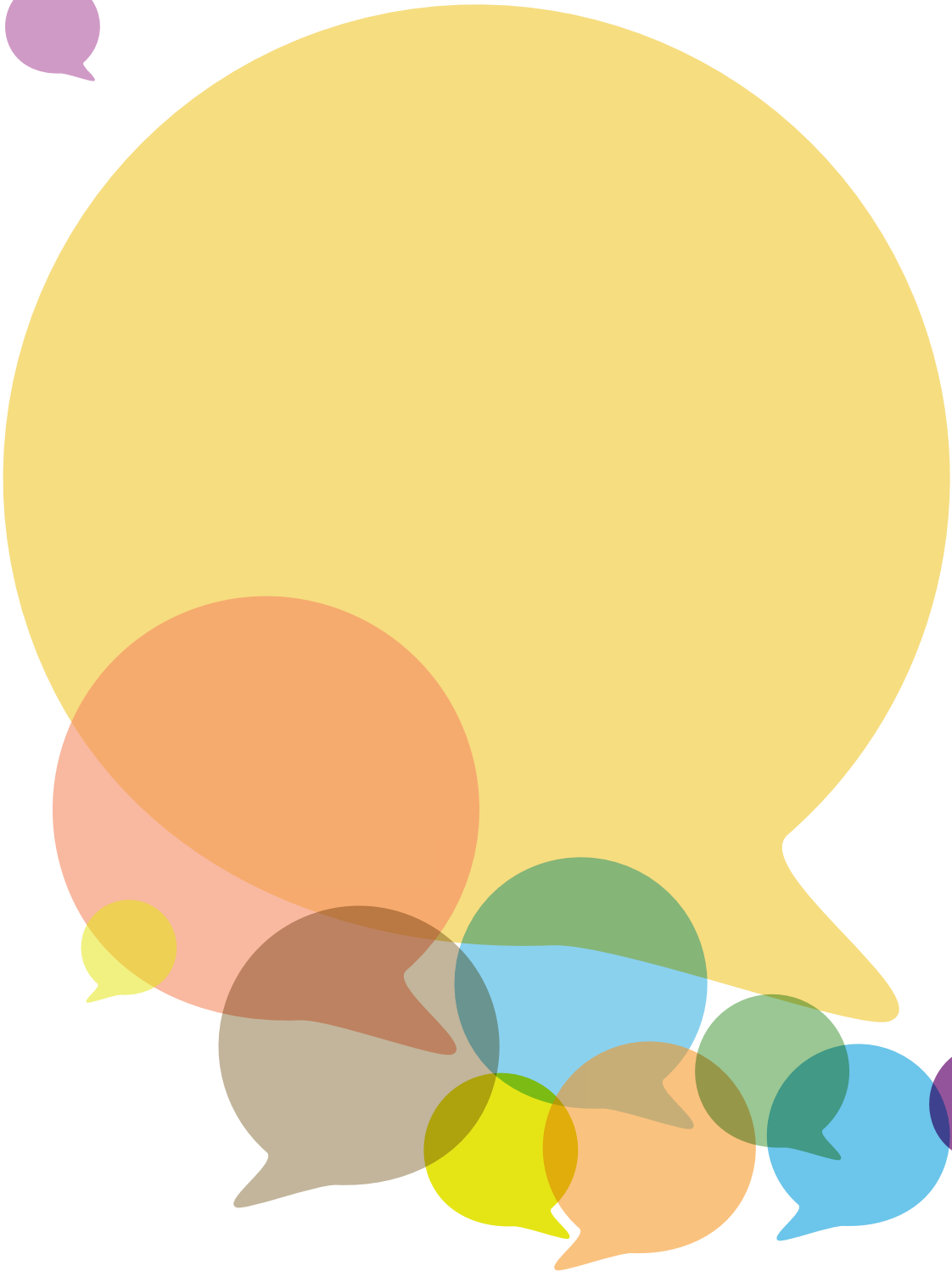(for a PWG held immediately prior to a committee session)

The Committee noted that the PWG report would be considered at its next session.
(for an intersessional PWG)

The Committee noted that the report would be made available to the Codex Secretariat [indicate date, usually at least three months prior to the committee session].

Notes