

This is a draft paper for discussion. It should not be quoted, cited or reproduced.

Draft

MUT/04/9

**COMMITTEE ON MUTAGENICITY OF CHEMICALS IN FOOD,
CONSUMER PRODUCTS AND THE ENVIRONMENT**

**HOLDING COMMITTEE MEETINGS IN OPEN SESSION- EXPERIENCE
OF COT**

1. Members will wish to see the appended paper (Annex 1) which was discussed at the November 2003 COC meeting. Members are asked to consider the questions posed on page 3 of the cover paper (CC/2003/39) which are reproduced below for ease of reference. The draft protocol for holding meetings in open session can be found at Annex A to Annex 1. The minutes of the COT discussions can be found at Annex B to Annex 1
 - i. Are Members content that the protocol for holding COT meetings in open session in Annex B could be used by COM?
 - ii. Are Members content that in 2004, COM meetings should be held in open session?
 - iii. Do Members have suggestions for further issues to be included in the draft protocol?
 - iv. Are members content with the proposal to produce, in conjunction with COC and COT, an appendix summarising the protocol would be added to the Code of Practice on openness prior to its publication in the 2004 Annual report?
2. A copy of the COC minutes for the November 2003 discussion is appended as Annex 2.

Secretariat January 2004

This is a draft paper for discussion. It should not be quoted, cited or reproduced.

Annex 1 to MUT/04/9

Paper presented to COC on holding meetings in open session.

Contains Draft protocol as Annex A

And COT minutes as Annex B.

This is a draft paper for discussion. It should not be quoted, cited or reproduced.

Annex 2 to MUT/04/9

Minutes of COC discussion (draft).

This is a draft paper for discussion. It should not be quoted, cited or reproduced.

ITEM 8: OPENNESS OF COMMITTEE PROCEDURES (CC/03/39)

56. The COC currently publishes an agenda and many of its discussion papers before each meeting, whilst minutes of meetings and Committee statements are published when finalised. Members were informed that the COT had agreed in principle, at its December 2002 meeting, to hold future meetings in open session subject to discussion and agreement of a detailed protocol. Following discussions between the secretariats of the three sister Committees (COC, COM, COT) a revised protocol was considered by COT and it was agreed that future COT meetings could move to open session from April 2003.

57. The draft protocol for holding COT meetings in open session was attached at annex A to CC/03/39. It was intended that after discussion by all three Committees had been completed, a finalised document would be agreed and published as part of a revised code of practice for openness.

58. Members heard that since the inception of open COT meetings, only four requests for attendance as observers had been received. These had, with the exception of one member of the press, come from groups who had a financial interest in a particular item under discussion. Advertisements for the open sessions appeared in FSA News and on the FSA website. No applications to attend the COT had so far been received from the general public.

59. The COC agreed that it was important to manage applications for attendance according to the procedures set out in the draft protocol. Of particular importance was the need to seek information from attendees on their declarations of interest prior to the discussion of items. It was noted that observers usually attended for a specific item and it was agreed that, if this were so, then it was appropriate to undertake the proposed question and answer session with the relevant item.

60. The COC expressed concern that observers could attribute comments to individual members and possibly distort members' contributions. The Committee noted that the draft protocol specified that it was important to clarify with observers at the start of the meeting (or item) what was expected of them, and that comments should only be attributed to the Committee as a whole and not to individuals. It would be for the secretariat to consider any relevant rejoinder of comments attributed to members if these were subsequently published by a third party.

61. Members questioned how in confidence data would be dealt with. It was agreed that if the data holder requested discussion of in confidence data in closed session then this should be accepted. This would inevitably lead to many Committee meetings having both open and closed sessions.

62. Overall members agreed with the proposed protocol for open meetings that had already been used by the COT, although it was noted that some procedural aspects needed to be finalised (e.g. handling requests from members of the media). It was recognised that this would also have to be discussed with the Chairman. Members were content in principle, for COC meetings to be held in open session.

This is a draft paper for discussion. It should not be quoted, cited or reproduced.

Members were also content for an appendix summarising the protocol, produced in conjunction, when appropriate, with the COM and COT, to be added to the Code of Practice on Openness prior to its publication in the 2004 Annual Report.