

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
FAO/WHO COORDINATING COMMITTEE FOR LATIN AMERICA AND THE CARIBBEAN

18th Session
San José, Costa Rica, 19-23 November 2012

DISCUSSION PAPER ON PROCEDURES TO ADOPT REGIONAL POSITIONS IN COORDINATING COMMITTEES

(Report of the Electronic Working Group led by Costa Rica)

Background

1. When considering the Terms of Reference of FAO/WHO coordinating committees, the 25th Session of the Codex Committee on General Principles held in Paris, France, from 30 March to 3 April 2009, *the Committee further noted the specific request from the CCLAC to clarify whether the current terms of reference for the Coordinating Committees could be interpreted to give them full freedom to issue regional opinions on all themes under discussion in Codex of strategic importance to the region concerned* (ALINORM 09/32/33, para. 101).
2. The Secretariat clarified that in addition to the present Terms of Reference of Coordinating Committee, bullet (iii) of paragraph 3 of Rule IV of the Rules of Procedure also conferred the Coordinators the function to advise the Executive Committee and the Commission of the view of countries of the respective region. The Committee concluded the discussion by confirming that the full freedom was given under the current Terms of Reference of FAO/WHO Coordinating Committees to issue regional opinions on all themes under discussion in Codex of strategic importance to the region concerned and to promote the adoption of regional positions on strategic subjects, and therefore there was no need to modify the Terms of Reference (ALINORM 09/32/33, paras. 102-103).
3. The 17th Session of the FAO/WHO Coordinating Committee for Latin America and the Caribbean that took place in Acapulco (Mexico), from 8 to 12 November 2012 recalled that the 25th Session of the Committee on General Principles confirmed that the current terms of reference of FAO/WHO coordinating committees granted them complete freedom to issue regional opinions on all topics under discussion in Codex that were of strategic importance to the region concerned and to promote the adoption of regional positions on strategic topics (REP11/LAC, para. 145).
4. The Coordinating Committee agreed to establish an electronic working group, led by Costa Rica and working in English and Spanish, that would prepare a discussion paper on (REP11/LAC, para. 146):
 - proposed procedures for drawing up regional positions,
 - elements that needed to be considered,
 - the scope of regional positions, etc., for consideration at the next session of the Committee.

ELECTRONIC WORKING GROUP

Participation

5. In March 2011, Costa Rica invited all CCLAC members to participate in the EWG in order to develop a discussion paper on the proposed procedures for drawing up regional positions, elements that needed to be considered, the scope of regional positions, etc. for consideration at the next session of the CCLAC.
6. The list of participants is as follows:
 - Pedro Friedrich (Uruguay).
 - Jaime Cornejo (Chile).
 - Gonzalo Ríos (Chile).
 - José Miguel Sepúlveda (Chile).
 - Claudia Carbonell (Chile).
 - Fernando Acuña (Chile).
 - Delilah A. Cabb (Belize).
 - Gabriela Catalani (Argentina).

7. There were three round of comments; the first round was circulated by the Codex Secretariat in Costa Rica, dated April 6, 2011, where participants interested in the work of the EWG were requested to provide comments; the last round of comments were closed on September 30, 2011.
8. Comments were received from Argentina, Mexico, Uruguay, Belize, Jamaica, Chile and Brazil.
9. Costa Rica would like to thank the participants who submitted comments. These comments were taken into account for the enrichment of the document to be presented at the next session of CCLAC.
10. The document is annexed to this report.

CONCLUSIONS BASED ON THE WORK OF THE EWG

11. The EWG reached the following conclusions:
 - To identify issues and establish priority levels each CCLAC country should send their matters of interest to the Coordinator with a view to identifying cross-cutting issues.
 - Countries may request support for a specific subject area. To this purpose, relevant technical and scientific justification should be sent to the Coordinator.
 - Regional positions are considered those agreements that have been made in plenary (formal) sessions of CCLAC and are recorded in the report of that session.
 - Coordinators of other regions will be contacted in order to determine whether there are issues of common interest.

Procedure to establish and present regional positions

Scope

This document seeks to develop a procedure that could be used within the CCLAC to formulate and agree, based on consensus, regional positions on strategic issues of mutual interest to member countries that are being considered within Codex, while respecting national interests and sovereignty of each country.

Introduction

The 25th session of the Committee on General Principles confirmed that the current Terms of Reference of FAO/WHO coordinating committees give complete freedom to formulate regional positions on all issues discussed in the framework of Codex. The report quoted ALINORM 09/32/33:

“The Committee concluded the discussion by confirming that the full freedom was given under the current Terms of Reference of FAO/WHO Coordinating Committees to issue regional opinions on all themes under discussion in Codex of strategic importance to the region concerned and to promote the adoption of regional positions on strategic subjects, and therefore there was no need to modify the Terms of Reference.”

Objective

Formulate regional positions and gain support on Codex Alimentarius matters of mutual interest to CCLAC member countries.

1. Identification of issues and establishment of priority levels

CCLAC countries will send to the Regional Coordinator matters of interest in order to identify and prioritize cross-cutting issues. Crosscutting issues are understood as those issues in which the region, or group of countries, express interest on being supported due to the impact of such issues on consumer protection and fair practices in the food trade which are the fundamental objectives of Codex.

For this purpose the concerned countries, individually or as a group, will send well in advance and appropriately substantiated to the CCLAC Coordinator those issues where there is a clear benefit to the region or group of countries.

Similarly, countries may request support of the region for a specific topic of interest to them. The concerned country will send to the Regional Coordinator the relevant technical and scientific justification.

2. Achievement of agreements

The CCLAC Coordinator will identify those cross-cutting issues or matters of interest to countries as follows:

2.1 Procedures to reach and present regional positions

In accordance with the Procedural Manual¹ and the Terms of Reference² of Codex Coordinating Committees, regional positions will be considered only those agreements which have been taken in plenary (official) sessions of the CCLAC and must be clearly recorded in the report of the session, indicating the number of countries present at the session. The following should be complied with to achieve and present regional positions:

- a- Initially, the Regional Coordinator reports to member countries of the region on those issues identified as being of regional interest and verifies if they are on the agenda, if the matter of interest is not included in the agenda, the Regional Coordinator will provide for their inclusion in the agenda of the next CCLAC session under the heading “Issues relevant to the Region”.
- b- The proponent countries will develop a document providing the basis for discussion by member countries present at the CCLAC session in order to reach a regional agreement by consensus.
- c- This agreement represents the position of CCLAC taken by consensus among members of the region present at the plenary session of this Committee.
- d- The agreement, once taken, will be presented by the Regional Coordinator to the respective Codex subsidiary body. If the Coordinator cannot attend the meeting, a country submitting the agreement should be designated.

2.2 Procedure for support on issues of interest

At any time or close to a meeting of interest, countries sharing a matter of interest will proceed as follows:

- a- Develop a document which will be enriched by electronic means in order to harmonize it.
- b- Circulate the document to all members of CCLAC through the CCLAC Coordinator with a deadline for comments in order to finalize the document.

¹ Procedural Manual, 20th Edition, Section I, Basic Texts and definitions, Rules of Procedure of the Codex Alimentarius Commission, Rule IV Coordinators, point 3 (c).

² Procedural Manual, 20th Edition, Section V, Structure and Sessions, Terms of Reference of FAO/WHO Coordinating Committees, point (g).

- c- Each country individually submits the document to the Codex Secretariat expressing its support in order to reflect its individual position but harmonized with other countries of the region.
- d- The agreement, once taken, will be presented by the Regional Coordinator to the respective Codex subsidiary body. If the Coordinator cannot attend the meeting, a country submitting the agreement should be designated.

6. Alliances with other regions

The Regional Coordinator will contact the coordinators of other regions in order to determine if they share the same views on matters of interest and to seek support and exchange mechanisms on these matters.