

HANDBOOK OF **Good** PRACTICES FOR PARTICIPATION IN

C O D E X A L I M E N T A R I U S
M E E T I N G S

IICA



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1. Description of the organization

1.1. What is the Codex Alimentarius?

The Joint FAO/WHO Food Standards Program, commonly known as the Codex Alimentarius, was created in 1963 by the Food and Agriculture Organization United Nations (FAO) and the World Health Organization (WHO).

The Codex Alimentarius (or “Food Code”) is a set of standards and guidelines for protecting the health of consumers and ensuring fair trade practices so as to facilitate international trade in food. However, it is also an international governmental organization within which the standards and guidelines are negotiated. The Codex Alimentarius currently has around 190 members, making it one of the largest intergovernmental organizations in terms of membership and demonstrating the strategic importance that its work has acquired in recent years. The Codex Alimentarius should not be confused with the Codex Alimentarius Commission (CAC), which is the international governmental body that negotiates and adopts the standards and guidelines that are subsequently incorporated into the Codex Alimentarius.

The Codex Alimentarius promotes coordination of all work on food standards conducted by international governmental and nongovernmental organizations. This is important, as there is currently broad debate over the proliferation of private food standards.

1.2. Principles of the Codex Alimentarius

The Codex has established a series of general principles that govern its work. Those principles are the following:



Purpose of the Codex standards

The Codex is a collection of internationally accepted food standards presented in a uniform manner. These food standards aim at protecting consumers' health and ensuring fair practices in the food trade. They are intended to guide and promote the elaboration and establishment of definitions and requirements for foods to assist in their harmonization, and, in doing so, to facilitate international trade.



Scope of the Codex Alimentarius

The Codex includes standards for all foods, whatever their nature or state; consequently, materials for further processing into foods should be included to the extent necessary to achieve the purposes of the Codex. The Codex includes provisions about food hygiene, food additives, pesticide and veterinary drug residues, contaminants, labeling and presentation, methods of analysis and sampling, as well as inspection and certification of food imports and exports.



Nature of the Codex Standards

Codex standards and related texts are not a substitute for, or an alternative to, national legislation. In other words, each country must legislate internally on the questions addressed by the Codex. Every country's laws and administrative procedures contain provisions which is necessary to comply with.

Codex standards and related texts contain requirements for food aimed at ensuring for the consumer a sound, wholesome food product free from adulteration, correctly labeled and presented. A Codex standard for any food or foods should be drawn up in accordance with the Format for Codex Commodity Standards and contain, as appropriate, the sections listed therein.



Revision of Codex standards

The Codex Alimentarius Commission and its subsidiary bodies are committed to reviewing Codex standards and related texts as needed, to ensure that they are consistent with and reflect current scientific knowledge and other relevant information. When required, a standard or related text will be revised or removed using the same procedures as followed

for the elaboration of new standards. Each member of the Codex Alimentarius Commission is responsible for identifying, and presenting to the appropriate committee, any new scientific and other relevant information which may warrant revision of any existing Codex standards or related texts.

1.3. Origin of the Codex Alimentarius

The Codex Alimentarius was created in 1963 by decision of FAO and WHO. The growth of international trade at the end of the 19th and beginning of the 20th centuries revealed that the proliferation of food standards with divergent and contradictory criteria could pose serious obstacles to countries' trading needs and interests.



Joint FAO-WHO work on food standards

Given the international community's growing interest in food issues, FAO and WHO began to pursue joint activities in 1950, when joint expert meetings on nutrition, food additives and related areas began. One of the factors driving this initiative was the proliferation of chemical additives which was deemed as an essential aspect to be evaluated to ensure the safety of food.

In 1961, at the initiative of the Regional Conference for Europe and with the support of WHO and other European organizations, the FAO Conference approved the establishment of the Joint FAO/WHO Food Standards Program. Subsequently, the World Food Assembly ratified the Joint Food Standards Program and created the Codex Alimentarius Commission. In 1963 the Statutes of the Codex Alimentarius Commission were approved, marking the starting point for the organization's work.

1.4. Why is the Codex Alimentarius Important for Your Country?

Although acceptance of Codex standards is voluntary for Member Countries, their adoption is increasingly interpreted as the regulatory minimum with which governments must comply to ensure that foodstuffs reaching the consumer are wholesome and safe, thereby facilitating international trade.

The negotiations conducted under the aegis of the Codex are strategic for exporting and importing countries alike, for developed and developing countries,

and for economies in transition. For developing countries—whose economies are often geared to agricultural production—the process of negotiating Codex standards offers a unique opportunity to defend their positions on a footing of equality and to express their concerns about the issues under debate.

The worst mistake a country can make in assessing the importance it should assign to its participation in the Codex Alimentarius is to assume that this is an entity that prepares technical recommendations and nothing more: that assumption ignores the interests that lie behind each of these negotiations. For example, there may be a move to impose new methods of analysis that can be performed only with specific equipment: countries that have the resources to obtain that equipment will be in favor of a more sensitive testing method. On the other hand, developing countries that might be affected because they lack the capacity to guarantee the values achieved with the proposed method may oppose adoption of that method in an international standard.

Similarly, when a standard is under discussion that establishes the attributes of a products' identity and quality, a number of interests come into play. For example, when the Codex standard for oranges was being discussed, many countries did not want to accept as an "orange" one of the Brazilian varieties that had a green skin even when it was fully ripe. To exclude that variety would have meant serious economic injury to Brazilian producers, and a windfall advantage for producers in competing countries, as consumers in many importing countries would not have accepted it as an orange, or would have driven down its price because it did not have the orange color established in the Codex standard.

While the work of the Codex Alimentarius has always been recognized for the technical and scientific soundness of its recommendations, with the creation of the World Trade Organization (WTO) that activity became even more important and strategic. The reason is that the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), which is binding for all members of the organization, recognizes the Codex as the international reference body with respect to food safety, and requires members to base their sanitary measures relating to food safety on the Codex standards.

Similarly, although this is not explicitly stated in its text, the Codex Alimentarius rules are an international benchmark for the WTO Agreement on Technical Barriers to Trade (TBT Agreement), as has been demonstrated in some of the panels that have been held in this area (for example, the case of Peru versus the European Community regarding the standard on sardines).

This recognition in the SPS Agreement is based essentially on the fact

that the Codex standards satisfy a fundamental principle of the Agreement, i.e. that any sanitary measures imposed must be based on a scientific risk assessment. The Codex standards comply with that principle. If this were not the case, then every country would have to conduct its own scientific assessment, taking into account the methodologies recommended by the international reference organizations.

The World Organization for Animal Health (*Office International des Épidémiologies*, OIE) and the International Plant Protection Convention (IPPC) have also been designated in the SPS Agreement as international reference bodies in the area of animal and plant health, respectively.

WTO recognition of the work of these organizations and their guiding principles is particularly important for developing countries, as the harmonization of national standards with those adopted by these international organizations leads to a presumption of legal consistency with the obligations of member states in the WTO. Consequently, the importance of the Codex standards lies in their international scientific, technical and legal validity, and as such they serve as undisputed benchmarks for local harmonization and for the settlement of disputes relating to food among member countries of the WTO.

The Codex members are not—or at least should not be—mere spectators in this process of adopting international standards, as the standards adopted will be taken as benchmarks by the WTO. Consequently, countries should make their best efforts to ensure that Codex recommendations are favorable to their concerns and interests, taking into account the technical and economic feasibility of those decisions.

1.5. Structure of the Codex Alimentarius

- a) Codex Alimentarius Commission.
- b) Executive Committee.
- c) Codex Secretariat.
- d) Subsidiary bodies of the Codex.

Among those subsidiary bodies are the following:

- e) General Subject Committees, also called “horizontal committees” (10).
- f) Commodity Committees, also called “vertical committees” (11).
- g) Regional Coordination Committees (6).

- h) Ad Hoc Intergovernmental Task Forces (variable in number, depending on the mandate from the Commission).

The Codex requires scientific advice to operate properly. That advice is provided by the FAO/WHO, through expert groups convened for this purpose, as a way of ensuring independence between risk assessment and risk management. It should be noted that the Joint FAO/WHO Expert Meetings, as the name implies, are not part of the Codex structure, although it draws upon their work. There are currently four FAO/WHO expert bodies: the Joint Meetings on Pesticide Residues (JMPR), the Joint Expert Committee on Food Additives (JECFA), which also assesses the risks from veterinary drugs and contaminants, the Joint Expert Meetings on Microbiological Risk Assessment related to food safety (JEMRA), and the soon-to-be-launched Joint Expert Meeting on Nutritional Aspects.

1.5.1. The Codex Alimentarius Commission (CAC)

As an international governmental body, the Codex Alimentarius Commission is responsible for taking decisions on food standards through an international negotiation process among member countries. The Commission currently comprises more than 185 member states, representing 99% of world food production and of the world population.

All members of the FAO and WHO are eligible for Codex Alimentarius membership. Regional economic integration organizations can also acquire the status of Codex members, but to do so they must demonstrate that they constitute an economic integration organization and therefore have common objectives with respect to food standards, and they must give assurance that their members will act jointly in the Codex Alimentarius negotiations. To date, the only regional economic integration organization that has been recognized as a Codex member is the European Union.

In addition to countries, international governmental and nongovernmental organizations (NGOs) may also participate in Codex activities, provided they meet certain conditions approved by the Codex.

The Commission meets annually, alternating between the FAO headquarters in Rome and WHO headquarters in Geneva. The Commission is headed by a Chairperson and three Vice-Chairpersons elected from different regions of the globe by the Commission Members.

The Chairperson and the Vice-Chairpersons are elected in their personal capacity, and although they require the backing of their

governments to present their candidacy, they do not represent their governments in the exercise of their functions, in accordance with the provisions in the Procedural Manual. Nevertheless, since they are generally government officials reporting to the government that nominated them, their independence of opinion and action in their functions may not be absolute. For this reason, Codex Members must zealously guard the transparency of action of the elected Codex authorities, as this is the only way to ensure equal treatment for the interests of all members.

Because it is an international intergovernmental body, the Members of the Codex are countries that speak through official delegates appointed for each meeting by their governments. Countries are allowed to include representatives of the private sector or of national NGOs in their delegations as advisers. It is not recommended (or appropriate), however, for private sector representatives to represent their countries in Codex meetings.

In the Codex Commission each Member has one vote, and although decisions are generally taken by consensus, there may be situations where a vote has to be called.

The Codex Commission also includes international governmental and non-governmental organizations that attend as observers to the Commission. Those organizations have no right to vote as do Members, but they may express their opinions on the issues under debate.

The Codex Alimentarius Commission is governed by a set of provisions found in the Procedural Manual,² for which the Statutes of the Commission constitute the historical legal basis.

The Codex Commission currently meets annually, but it is empowered to decide the frequency of its meetings at each of its sessions, bearing in mind the workload on its agenda. During the Commission's annual meetings, it adopts decisions with respect to standards, guidelines and recommendations, as well as decisions on the management policy of the Commission and of the subsidiary bodies and on its relationship to other international organizations; it makes amendments to its operating mechanisms, and it elects its authorities.

2 The Procedural Manual is now in its 17th edition, which can be downloaded from the Internet in its various languages.

1.5.2. Executive Committee (EXEC)

The Executive Committee was created by the Codex Alimentarius Commission. Its mission is to carry out the decisions of the Commission. The Executive Committee's functions are many and varied, but its primary function is to act on behalf of the Commission between the latter's sessions, implementing its program.

The functions of the Executive Committee include:

- conducting a critical review of Codex work;
- paying particular attention to requests for new work;
- presenting proposals to the Commission on the general direction of its activities;
- studying special problems relating to standards development, and also problems that may arise in the various Codex regions relating to standards development;
- handling the strategic planning of the Codex Commission;
- making recommendations for sound management of the Commission's standards development program.

The Executive Committee is also involved in the program budget and examines other questions submitted to it by FAO or WHO.

The Executive Committee has no decision-making power on actions of the Codex Commission, as its function is basically to assist the Commission in its work and to make suggestions and recommendations to enhance the working efficiency of the Commission and of the Directors General of FAO and WHO. It serves as the executive body between sessions.

The Executive Committee is composed of the Chairperson and the three Vice-Chairpersons of the Codex Commission, the Coordinators of the Regional Committees, and seven members elected on a geographic basis by the Commission, called Regional Representatives, one from each of the following geographic areas: Africa, Asia, Latin America and the Caribbean, North America, Near East, Europe, and Southwest Pacific.

In accordance with the Procedural Manual, the Executive Committee meets before the meetings of the Commission, but additional meetings may be held when so decided by the Directors of FAO or WHO or by the Commission.

The regional coordinators play a very important role in the Executive Committee meetings, although it must be recognized that they are not yet being used strategically by Member Nations in some developing

regions. The reason for this is that the coordinators are supposed to make proposals to the Executive Committee on the position or views of countries of the region on the various issues discussed in the Codex. The most transparent way of performing this function is to ensure that, during the regional meetings, the Members made clear their opinions on Codex issues that concern them (this issue is discussed in further detail in the section on negotiations).

1.5.3. The Codex Secretariat

The Secretariat of the Codex Alimentarius Commission is located at FAO headquarters in Rome, Italy. The Secretariat is the very core of the Codex, and in practice keeps the Codex functioning. It has a Secretary-General, elected through an open, worldwide search by the Directors General of FAO and WHO. The Secretary-General has a small team of professional and technical staff to assist him/ her in his/ her work.

The Secretariat organizes the meetings of the Commission and the Executive Committee, and also supervises the work of the Codex committees hosted by governments for the purpose of preparing and distributing documents to the Codex contact points in each country, and to the observers. The Secretariat collaborates in such matters as the calendar and place of meetings, distribution of invitations to members to attend meetings, finalizing the program and documentation for meetings, making arrangements to keep the minutes of meetings, sending all Codex Members the documents that are to be dealt with, and organizing all the details of the meetings held in Rome or Geneva, by either the Executive Committee or the Codex Commission.

The Codex Secretariat is the great “communicator” of the work of the Codex Alimentarius: it provides guidance to countries for seeking information, makes the Commission’s decisions on standards available to all interested parties, distributes circular letters and negotiating documents, and prepares texts to guide the work of the organization.

1.5.4. Subsidiary bodies of the Codex Alimentarius

The Commission may create subsidiary bodies as it deems necessary for the performance of its work. The subsidiary bodies of the Commission are the following:

1. General Subject Committees, also called “horizontal committees”.
2. Commodity Committees, also called “vertical committees”

3. FAO/WHO Coordination Committees (Regional Committees)
4. Ad Hoc Intergovernmental Task Forces

The Codex committees are permanent, except when the Commission decides to abolish them. The Commission may create as many subsidiary bodies as it deems necessary to fulfill its function of developing standards. However, a few years ago the Commission created a new type of subsidiary body, the Intergovernmental Task Forces: they perform the same function as the committees, but their duration is determined in light of the function or mandate conferred upon them. The Codex committees are hosted by the governments of various countries.

When the committees have no matters to discuss, the Commission has opted to adjourn them, which is different from eliminating them. The committees currently suspended or adjourned *sine die* can be reactivated when new issues arise that require their input.

Following is a brief description of the Codex committees and the subject matter they handle. More information on this point can be found in the Procedural Manual.

1.5.4.1. General Subject Committees or horizontal committees

The General Subject Committees of the Codex work on questions of general scope, applicable to all foods or food groups, and are therefore often called “horizontal committees”. The guidelines or standards that emerge from their recommendations are applicable to all product standards prepared by the vertical committees in their respective areas of competence.

The general standards must ensure the consistency of criteria applicable to product standards and must seek to avoid regulatory contradictions. For example, the criteria on additives developed by the Committee on Food Additives must be applicable in a consistent manner both by the Committee on Processed Fruits and Vegetables and by the Committee on Milk and Milk Products, so as to avoid any regulatory contradiction between the specific standards issued by each committee. Similarly, provisions on the general labeling of canned foods must be followed by all the product committees.

If the Codex Commission approves principles on risk analysis or on the role of science in Codex decision-making, all committees must take them into account and may not reinterpret them in a way that

would distort their application when establishing specific standards in the Codex. The General Subjects Committees are the following:



Committee on General Principles (CCGP)

This committee concerns itself with establishing the general principles that define the object and purpose of the Codex Alimentarius. It is responsible for preparing and discussing all proposals relating to the Procedural Manual. It also deals with procedural issues such as the length of time between Commission sessions, the mandate of the Codex subsidiary bodies, the rights and obligations of Members and observers, and requirements for obtaining this status, questions that must be submitted to vote and decisions that may be taken by consensus, and functions and obligations of the physical and electronic task forces. In addition, it recommends general principles that all Codex committees must apply in their work, such as the principles for risk analysis. Finally, it must ensure consistency in the application of those general principles by the other Codex committees.

The recommendations of this committee to the Commission have important implications for the future work of the Codex, and they have repercussions beyond what might be imagined for the responsibilities of governments in considering Codex standards. For example, some years ago article 1 a) of the Statutes of the Codex Commission declared that the purpose of the Codex standards was to protect the health of consumers with respect to the safety of food and to ensure equitable practices in international trade in food. The current wording makes no mention of international trade. The deletion of this mention does not mean that the Codex standards are not applicable to international trade. On the contrary, it ensures that countries cannot maintain double standards, one for imports and exports and the other for local production and consumption, as this would be incompatible with the WTO Principle of National Treatment and Nondiscrimination. The effect of the change was to expand and clarify the scope of application of Codex standards to all food trade, domestic and external.

For this reason, developing countries in particular should take special care to analyze the principles negotiated in the Codex, to ensure that they are consistent with WTO principles. There is an important clarification to be made here. While the WTO, through the Agreement on the Application of Sanitary and Phytosanitary

Measures, has recognized the Codex as the international benchmark in food safety, the Codex has not adopted the WTO principles for aspects within its competence. This means that the Codex, as an organization, is not bound by those principles. Consequently, it is up to the Members of the Codex, which are also members of the WTO, to ensure consistency between the principles of both organizations.

Host government: France



Codex Committee on Food Additives (CCFA)

Its functions are to establish or endorse maximum permitted levels for individual food additives; to prepare priority lists of food additives for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives; to recommend specifications of identity and purity for food additives for adoption by the Commission; to consider methods of analysis for the determination of additives in food; and to consider and develop standards or codes for related subjects such as the labeling of food additives when sold as such.

Until 2006, the Codex Committee on Food Additives was joined with the Committee on Contaminants in Food to form the Committee on Food Additives and Contaminants, and was chaired by the Netherlands. In 2005, the Commission decided that the workload of this dual committee was too heavy, and that its functions should be divided by establishing two independent committees: the Committee on Food Additives and the Committee on Contaminants in Food. Thus, during the 29th session of the Commission, in June 2006, the mandates of the two separate commissions were approved.

Information on the work of the new Committee on Additives prior to the Commission's 29th session must be sought under the Codex Committee Food on Additives and Contaminants (CCFAC).

Host government: China



Codex Committee on Contaminants in Food (CCCF)

Its functions are to establish or endorse permitted maximum levels or reference levels, for contaminants and naturally occurring toxicants in food and feed; to prepare priority lists of contaminants and natu-

rally occurring toxicants for risk analysis by the Joint FAO/WHO Expert Committee on Food Additives; to consider methods of analysis and sampling for the determination of contaminants and naturally occurring toxicants in food and feed; to consider standards or codes of practice for related issues; and to consider other matters assigned to it by the Commission in relation to contaminants and naturally occurring toxicants in food and feed.

In considering the work of this committee it is important to bear in mind the entire food production chain. For this reason, it is recommended that the national animal and plant production sectors be involved in the work of the Codex as well. Moreover, when it comes to contaminants in foods, it is important for countries that are food producers, to consider the technical and economic feasibility of the measures that are adopted, and, on that basis, that they make proposals for adapting production models that ensure a reasonable level of food safety and yet be adequate for local production conditions.

Because this committee also concerns itself with environmental contaminants and natural toxicants that can affect food safety, it is very important for national environment ministries to participate in the work.

On occasion, many countries may not consider it a problem when a new topic is dealt with in the Codex. In these cases, however, it is important to consult the national control agencies to see if the contaminant in question is regulated and therefore controlled; if it is not regulated, there may not be any data, and the country may be led to assume that it has no problems with it. In all cases, it is important to consult the scientific and technical authorities to see if a study has ever been conducted in the country on the contaminant in question. If there has been no such study, and if there is a suggestion that the country might have a problem, then the country would be well advised—if it produces the type of foods for which the contaminant in question will be regulated—to conduct a thorough bibliographic review to assess the conditions under which that contaminant might be present and then conduct more intensive studies for a complete risk assessment.

Information on the work of the new Committee on Contaminants in Food prior to the Commission's 29th session must be sought under the Codex Committee on Additives and Contaminants (CCFAC).

Host government: The Netherlands



Codex Committee on Food Hygiene (CCFH)

The function of this committee is to draft basic provisions on food hygiene applicable to all food; to consider, amend if necessary and endorse provisions on hygiene prepared by Codex commodity committees and contained in Codex commodity standards; and to consider, amend if necessary, and endorse provisions on hygiene prepared by Codex product committees and contained in Codex codes of practice—unless, in specific cases, the Commission has decided otherwise—or to draft provisions on hygiene applicable to specific food items or food groups, whether coming within the terms of reference of a Codex committee or not; to consider specific hygiene problems assigned to it by the Commission; to propose and prioritize areas where there is a need for microbiological risk assessment at the international level and to develop questions to be addressed by the risk assessors; to consider microbiological risk management issues in relation to food hygiene, including food irradiation.

As its mandate indicates, the Committee on Food Hygiene not only prepares its own standards but also reviews the standards or codes of practice prepared by other Codex committees. Bearing in mind this working mechanism, countries need to consider the interaction between the national Product Committees and the Committee on Food Hygiene. It must also be remembered that this committee needs scientific advice from FAO/WHO to conduct specific risk assessments. An example is the combinations of pathogens and products: *Campylobacter* in poultry, enterohaemorrhagic *E. coli* in ground beef and fermented sausages. In such cases, if a country has conducted studies on these issues—on a scientific basis—and if it believes the data collected are reliable, it should contact FAO/WHO and submit that information so that it can be taken into account by the expert groups. Information sent to FAO/WHO in these circumstances is treated as confidential, unless it has already been published. Codex Member Countries should be proactive in this respect, as FAO/WHO needs case studies on the various issues it deals with, conducted in various countries, in which local production conditions are taken into account, to allow a broad view of the issues and ensure that all aspects are duly considered when drafting the conclusions of the expert group, remembering that it is on these conclusions that the Committee on Food Hygiene will base its recommendation for a Codex standard. Advanced knowledge of any study conducted in the country on any matter dealt with in this

committee can also help the country prepare and submit comments on economic implications that the Codex permits.

Host government: USA



Codex Committee on Food Import and Export Certification and Inspection Systems (CCFICS)

Its functions are to develop principles and guidelines for food import and export inspection and certification systems with a view to harmonizing methods and procedures; to develop principles and guidelines for the application of measures by the competent authorities of exporting and importing countries to provide assurance, where necessary, that foodstuffs comply with requirements, especially statutory health requirements; to develop guidelines for the application of quality assurance systems to ensure that foodstuffs conform with requirements and to promote the recognition of these systems in facilitating trade in food products under bilateral/multilateral arrangements by countries; to develop guidelines and criteria with respect to format, declarations and language of such official certificates as countries may require, with a view towards international harmonization; to make recommendations for information exchange in relation to food import/export control; to consult as necessary with other international groups working on matters related to food inspection and certification systems; to consider other matters assigned to it by the Commission in relation to food inspection and certification systems.

This committee's work is very important in relation to food exports and imports. Many countries take the recommendations of this committee into account when establishing their national regulations. However, while the standards prepared by this committee may serve as a guide for establishing national food control and inspection systems, its mandate contains no provisions for adopting standards for those systems. For this reason, at its last meeting, the CCFICS agreed that the Commission should be asked to revise the committee's mandate and to adjust it if it concluded that the committee's recommendations should also cover control and inspection systems for local food production destined for domestic consumption.

This committee also addresses questions that are directly related to the SPS Agreement of the WTO, including the current negotiations on the

equivalence of sanitary measures. An example is the current negotiation on the Equivalence of Sanitary Measures. Hence the importance for WTO member countries, particularly developing ones, to examine Codex documents alongside the SPS Agreement and the decisions taken in that forum and to consider the observations of this Codex committee contained in the reports on its meetings over the years.

Host government: Australia



Codex Committee on Food Labeling (CCFL)

The functions of this committee include the drafting of provisions on labeling applicable to all foods; to consider, amend if necessary, and endorse draft specific provisions on labeling prepared by Codex committees in charge of drafting standards, codes of practice and guidelines; to study specific labeling problems assigned to it by the Commission; to study problems associated with the advertisement of food with particular reference to claims on particular properties of foods and misleading descriptions.

This committee performs a very important service in favor of consumers, as food labeling is the most important and direct source of information for consumers. However, the information carried on the label offers no guarantee that the food is safe. (It is assumed that the health authorities have established food safety requirements before the product is placed on the market). The label's purpose is to inform the consumer about the identity of the product, its characteristics (composition, nutritional value, manner of use, expiration date, the presence of allergens, etc.). Therefore, information on the label must be clear and concise, it must not lead error or fraud, it must be truthful and readily understandable (bearing in mind that not all consumers are equally well-informed about nutritional or health issues) and it must be verifiable.

When dealing with negotiation documents related to labeling, these must be viewed in light of the interaction with other Codex committees, such as the commodity committees and the Committee on Nutrition and Food for Special Dietary Uses. The Committee on Labeling is also responsible for the substances permitted in organic food production.

Host government: Canada



Codex Committee on Methods of Analysis and Sampling (CCMAS)

Its functions are to define the criteria applicable to Codex methods of analysis and sampling; to serve as a coordinating body with other international groups working in methods of analysis and sampling and quality assurance systems for laboratories; to specify—taking into account the final recommendations submitted to it by other bodies referred to previously—reference methods of analysis and sampling appropriate for Codex standards and, in general, applicable to a number of foods; to consider, amend if necessary, and ratify, as appropriate, methods of analysis and sampling proposed by Codex commodity committees, except that methods of analysis and sampling for pesticide residues or veterinary drug residues in food, the evaluation of the microbiological quality and safety of foods, and the evaluation of specifications for food additives do not fall within the mandate of this committee; to develop sampling plans and procedures, as may be required; to examine specific sampling and analysis problems entrusted to it by the Commission or any of its committees; to develop procedures, protocols, guidelines or related texts for the assessment of food laboratory proficiency, as well as to define quality assurance systems for laboratories.

The work of this committee is very important. It discusses appropriate methods of analysis for foods. It also considers validation and sampling plans and procedures. The committee may be very important for developing countries, and in particular for food exporting countries, as these issues are normally difficult to resolve when negotiating protocols with importing countries regarding sampling plans and the analytical methodology used. It is also important to consider the technical and economic feasibility of proposed new methods.

Host government: Hungary



Codex Committee on Nutrition and Food for Special Dietary Uses (CCNFSDU)

The functions of this committee are to study specific problems assigned to it by the Commission and advise the Commission on general nutrition issues; to draft general provisions concerning the nutritional aspects of foods; to develop standards, guidelines or related texts applicable to foods for special dietary uses, in cooperation with

other committees where necessary; to consider, amend if necessary, and to examine and ratify provisions on nutritional aspects for inclusion in Codex standards, guidelines and related texts.

In May 2004 the World Health Organization (WHO) adopted a Global Strategy on Diet, Physical Activity and Health to address all issues relating to non-communicable (chronic) diseases. Many of these pathologies are directly related to consumption habits and thus the strategy points out the need for people to reduce their consumption of saturated fats and trans-fatty acids, salt and sugars, as well as other issues related to nutritional information and claims about the health benefits of foods. The Codex has decided to address the WHO recommendations. However, to date there is no agreement on which issues it should address and how far it should pursue them, as the strategy is much broader than the mandate of Codex itself.

Host government: Germany



Codex Committee on Pesticide Residues (CCPR)

Its functions are to establish maximum limits for pesticide residues in specific food items or in groups of food; to establish maximum limits for pesticide residues in certain animal feeds moving in international trade when this is justified to protect human health; to prepare priority lists of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR); to examine methods of sampling and analysis for determination of pesticide residues in food and feeds; to consider other issues in relation to the safety of food and feed containing pesticide residues; and to establish maximum limits for environmental and industrial contaminants having chemical or other characteristics similar to those of pesticides, in specific food items or groups of food.

This is one of the committees that require independent advice from the Joint FAO/WHO Expert Meetings. In the case of pesticide residues, it is the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) which, at the request of the CCPR, conducts risk assessments of pesticides.

The negotiation process to establish maximum residue limits (MRLs) for pesticides is a very complex one, especially for many developing

countries that do not have all the information needed to propose or defend a specific MRL. There is surely little knowledge about the committee's procedures for establishing or withdrawing limits: at least as described in the texts, the process is not easy to understand for those who have not participated actively in the meetings and in the work of this committee.

Although many countries do not have their own studies, they could certainly provide the committee with any information they have on the use of specific pesticides and ask it to consider their priorities for pesticide regulation in specific food products. The essential thing is to understand, in depth, how the limits are established and thus be in a position to submit properly formulated requests and substantiated observations.

An aspect of particular importance for developing countries is the process of eliminating MRLs, for it is sure to involve the generic or so-called "low use" pesticides that are used mainly in developing countries for minor crops. Given the fact that the current Codex process for reviewing MRLs calls for reevaluating substances that have not had a significant review of their MRLs for 15 years, and once the pesticide is placed on the list of priorities for reevaluation countries have four years to decide whether to submit the data requested by the committee and by the JMPR for reevaluation—otherwise, the MRL will be withdrawn, following the same rule as that of the European Union and other countries—it is very important to review the lists of existing MRLs and the length of time they have been in effect, in order to advise producers and pesticide suppliers or manufacturers as to what will happen within a period of time determined in the Codex. In this way, if a country, a group of producers of some food product, or the manufacturers of agrochemicals consider it essential to keep the MRL, they can begin to develop the information required to support it. Nevertheless, if this decision is about to be taken, it would be advisable to consult the JMPR Secretariat.

Countries need to understand the dynamics of this committee's work before submitting observations or complaints. They are principles for risk analysis, working procedures of the committee and the JMPR, and criteria for establishing MRLs that cannot be ignored.

Host government: China



Codex Committee on Residues of Veterinary Drugs in Food (CCRDVDF)

Its functions are to determine priorities for examination of residues of veterinary drugs in foods; to recommend maximum residue levels of such substances; to develop codes of practice as may be required; and to consider methods of sampling and analysis for the determination of veterinary drug residues in foods.

Host government: USA

1.5.4.2. Commodity Committees or “vertical committees”

The vertical or commodity committees are tasked with preparing standards on the identity and quality of products, but they also take decisions on the essential quality of foods, which helps to ensure their safety.

In the commodity committees, developing countries have an opportunity to find regulatory solutions for products of interest to them, provided they can meet the criteria required by the Commission for initiating new work.

The lack of a Codex standard on identity and quality for certain local products such as fruits and vegetables can often be an obstacle to their export, or can force producing countries to comply with provisions that are not in keeping with the local agro-ecological environment of production, but instead reflect the requirements of importing countries that are not concerned with production constraints. In these cases, producing countries must strive for the establishment of standards for economically important commodities that are already traded internationally, are just entering the market, or have the potential to do so. A subsequent section of this Manual will deal with the criteria that must be met for presenting a proposal on a new topic.



Codex Committee on Meat Hygiene (CCMH) – adjourned sine die

The function of this committee is to develop worldwide standards and/or codes of practice that it considers appropriate for meat hygiene.

Host government: New Zealand



Codex Committee on Milk and Milk Products (CCMMP)

Its function is to establish international codes and standards for milk and milk products.

Host government: New Zealand



Codex Committee on Fish and Fishery Products (CCFFP)

Its function is to prepare worldwide standards for fresh, frozen (including quick frozen) or otherwise processed fish, crustaceans and mollusks.

Host government: Norway



Codex Committee on Fresh Fruits and Vegetables (CCFFV)

Its function is to develop worldwide standards and codes of practice applicable to fresh fruits and vegetables; to consult with the UNECE Working Group on agricultural quality standards to ensure that there is no duplication of standards or codes of practice and that they follow the same broad format; and to consult with other international organizations which are active in the area of standardization of fresh fruits and vegetables.


Host government: Mexico



Codex Committee on Prepared Fruits and Vegetables (CCPFV)

Its function is to develop worldwide standards for all types of processed fruits and vegetables, including dried products, canned or dried peas and beans, jams and jellies, but not dried prunes or fruit and vegetable juices. The Commission has also entrusted to this committee the revision of standards for quick frozen fruits and vegetables.


Host government: USA



Codex Committee on Fats and Oils (CCFO)

Its function is to develop worldwide standards for fats and oils of animal, vegetable and marine origin, including margarine and olive oil.

Host government: Malaysia



Codex Committee on Cereals, Pulses and Legumes (CCCPL) - adjourned sine die

Its function is to prepare worldwide standards and/or codes of practice for cereals, pulses, legumes and their products.

Host government: USA



Codex Committee on Vegetable Proteins (CCVP) - adjourned sine die

Its function is to prepare definitions and worldwide standards for vegetable protein products—deriving from any plant species—used for human consumption, and to develop guidelines on utilization of such vegetable protein products in the food supply system, on nutritional requirements and safety, on labeling and on other aspects that are deemed appropriate.

Host government: Canada



Codex Committee on Cocoa Products and Chocolate (CCCPC) - adjourned sine die

Its function is to develop worldwide standards for cocoa and chocolate products.

Host government: Switzerland



Codex Committee on Natural Mineral Waters (CCNMW) - adjourned sine die

Its function is to develop regional standards for natural mineral waters.

Host government: Switzerland



Codex Committee on Sugars (CCS) - adjourned sine die

Its function is to develop worldwide standards for all types of sugars and sugar products. It also develops standards for honey.

Host government: United Kingdom

1.5.4.3. Ad hoc Intergovernmental task forces

These groups were created so that the Codex could address new safety issues emerging in the modern world, as well as issues relating to specific products that are not included in the mandate of any committee. In other cases, they have been created because the topic needed to be addressed should be dealt with by several committees, something that requires a multidisciplinary approach.

Task Forces fulfill the same function as a Codex committee, the only difference being that their mandate is established for a fixed period of time, and once they have completed their work they are dissolved.

A number of task forces have been created in recent years: some have finished their work and have been dissolved, whereas others are still active.

- Ad Hoc Intergovernmental Task Force on Foods Derived from Biotechnology (dissolved)
- Ad Hoc Intergovernmental Task Force on Food and Vegetable Juices (dissolved)
- Ad Hoc Intergovernmental Task Force on Frozen Foods (dissolved)
- Ad Hoc Intergovernmental Task Force on Animal Feeding

This last task force is not fully active, as it has no mandate to negotiate new standards.



Ad Hoc Intergovernmental Task Force on Antimicrobial Resistance

Mandate: to develop guidance on methodology and processes for risk assessment on and their application to antimicrobials used in human and veterinary medicine through the Joint FAO/WHO Meeting on

Antimicrobial Resistance (JEMRA), and in close cooperation with OIE, with subsequent consideration of risk management options. In this process work undertaken in this field at national, regional and international levels should be taken into account.

Objectives: to develop science-based guidance, taking full account of the corresponding risk analysis principles and the work and standards of other relevant organizations such as FAO, WHO and OIE. The intent of this guidance is to assess the risks to human health associated with the presence in food and feed— including aquaculture—and the transmission through food and feed of antimicrobial resistant microorganisms and antimicrobial resistance genes and to provide appropriate risk management advice based on that assessment to reduce such risks.

Host government: Republic of Korea

Timeframe: the task force is to complete its work in four years counted from the Commission's 2007 meeting.

1.5.4.4. Regional Coordinating Committees

There are six Coordinating Committees, one each for the following regions: Africa, Asia, Europe, Latin America and the Caribbean, Near East, and North America and the Southwest Pacific. The Coordinating Committees play a very important role that is not well understood in many countries and that goes beyond the committees' mandate.

Function: to define the problems and needs of the region concerning food standards and food inspection; promote contacts within the Committee for the mutual exchange of information on proposed regulatory initiatives and problems arising from food control, and stimulate the strengthening of food control infrastructures; recommend to the Commission the development of worldwide standards for products of interest to the region, which the Committee deems to have an international market potential in the future; develop regional standards for food commodities moving exclusively or almost exclusively in intra regional trade; draw the attention of the Commission to any aspects of the Commission's work of particular significance to the region; promote coordination of all regional food standards work undertaken by international governmental and non-governmental organizations within the region; exercise a general coordinating role for the region and such

other functions as may be entrusted to it by the Commission; promote the use of Codex standards and MLRs by members.

Host government: the host government is elected by Members at each meeting of the regional committee. It may be reelected only once in sequence, which means that any one country can chair only two committee meetings.

It was noted at the outset of this section that many Codex Members—in particular developing countries—do not understand the full dimension of the coordinating committees or the impact that concerted action among members of the committee can have. In the case of Latin America and the Caribbean, this committee comprises 33 countries, representing 20 percent of all Codex Members. The region, therefore, has a critical mass of Members, and if they act in a concerted manner they could secure favorable outcomes.

The agendas for the regional committee meetings must cover issues that are addressed in the Codex and that pose concerns for the region. As will be seen from the mandate, the coordinator is supposed to advise the Commission of these problems at meetings of the Executive Committee. In all other meetings, even when a regional coordinator puts forward the concerns, it is imperative for the Members present to support those proposals.

The conclusions reached in the regional committee meetings should be respected by the delegates of all countries participating in that meeting, since these decisions are based on a strategic consensus. It is desirable that those who participate in the Codex Coordinating Committee for Latin America and the Caribbean (usually known as CCLAC) distribute the minutes of the meeting to their national committees. Similarly, the national coordinator for Codex should always be aware of the topics that were dealt with in the CCLAC and instruct the delegate to any meeting where CCLAC issues are discussed to mention the decision or opinion of the regional committee on those issues.

1.5.4.5. Working Groups

As the workload of the Codex committees and intergovernmental task forces has increased significantly in recent years, another working approach has come into use to a limited extent. This involves the cre-

ation of electronic and physical working groups intended to move discussion forward on a given issue and draft the respective document. At meetings of the committees—which have only three days to discuss all the topics on their agenda—lack of time can make it difficult to reach agreement on the texts under negotiation, especially when the issues are new or highly controversial. For this reason, the committee may propose the establishment of a working group. Working groups are governed by the same rules as the committee. They have terms of reference and a time limit for completing their work. Once their work is completed, and before the next meeting of the committee, they must present their report and conclusions with the version of the document discussed so that Codex Members that were not involved will have the opportunity to consider and comment on the issue.

When the topic to be addressed by the working group is important for a country, it will be best for it to participate, as this will give it yet another opportunity to issue an opinion and to learn the opinion of other Codex Members before it arrives at the committee meeting. Information is an essential factor in any negotiation.

- *Electronic working groups:*

Committees may create electronic working groups to deal with a topic on their agenda, establish the mandate for the group and determine what country will chair and coordinate its work. Generally speaking, countries will volunteer to head the working groups. During the meeting, a list of members and observers interested in joining the group may be prepared. However, since all Members have the right to participate and not all are likely to be present at the meeting, once the meeting is concluded the country chairing the group will send out an invitation, via the Codex e-mail service, asking all interested countries to join. All Codex Members can join an electronic working group. However, once the invitation is received, every country or observer must indicate its interest in participating.

- *Physical working groups*

Physical working groups are created to examine a topic under discussion for inclusion as a Codex negotiating item, or to advance work on negotiating documents that need additional time and face-to-face meetings for proper discussion. A working group is created only when there is consensus in the committee to do so, taking into account the

problems of developing country participation. Participation in the working groups is open to Members and observers that notify their interest. The rules of procedure and the operating guidelines of the Codex committees are applicable to the working groups as well.

The committee must define the mandate of the working group as clearly as possible, and give instructions on the questions it should resolve. Similarly, it must indicate the timeframe for completing the work and the working language or languages of the group.

The working group does not necessarily have to be managed by the country chairing the committee, and the meetings do not have to be held in the same place.

The groups are dissolved when they have completed their work or their time frame has expired. They are supposed to present their report well in advance so that the committee members can comment.



2. Functioning of the Codex Committees

Each of the Codex committees is chaired by a Member State of the Commission, which is responsible for its efficient operation. A country interested in taking on this function must declare its candidacy and be approved by the Commission in plenary session. The host country, which chairs the committee, must bear all the support and administrative costs of the committee.

At each of its meetings, the Commission must change or ratify the list of host countries of committees, as this is a permanent item on its agenda. However, the question only comes up in detail when changes are announced. Generally speaking, there is a “gentlemen’s agreement” that unless the host country expresses a desire to give up the chair no other country will put itself forward as a candidate. Consequently, some countries consider themselves the “owners” of these committees. Currently, as a result of the creation of the World Trade Organization, many developing countries are involved in Codex work and are interested in chairing its committees. This has led to some tensions between long-standing Members and new participants.

Hosting a Codex committee can be a useful way of keeping national official attention focused on the Codex program. However, a potential host must recognize that it will have to bear the costs of the committee’s ongoing work and its meetings, and it should calculate those costs before offering to chair a committee. Generally speaking, because the costs of hosting a committee can be high, the host countries tend to be developed countries. A few developing countries (e.g. China, Malaysia and Mexico) have realized, however, that hosting a Codex committee is not an expenditure but an investment.

In recent years, given the interest in Codex activities that developing countries have shown, there has been an interest in promoting associations between host

countries and developing countries to hold some of the committee meetings outside of the host country. Not all of the committees have yet engaged in this co-hosting exercise. It can be a useful experience for developing countries, however, which will thereby have the opportunity to host meetings of some key committees in their own country and region and thus gain an “inside view” of the dynamics and logistics involved in holding an international meeting of the Codex Alimentarius.

Co-hosting a Codex committee is not the same as chairing it. In addition to the work of preparing the meeting, the chair country will have to conduct multiple tasks along the year to coordinate the ongoing work and negotiations within the committee, together with the Codex Secretariat. When a host country agrees with another Member to hold a meeting in a second country, it will sometimes offer to share the running of the meeting. While this is an interesting alternative, the truth is that to manage or co-chair a meeting takes a good deal of experience, not only with the issues of the meeting but also with the previous work of the committee and its functional dynamics. Otherwise, precious time may be lost.

The Latin America and Caribbean region currently has only one permanent committee, the Fresh Fruits and Vegetables Committee, chaired by Mexico. Several countries in the region have offered to chair other Codex committees in order to bring meetings to the region, but they have not rounded up enough votes for their candidacy. Brazil, Argentina and Guatemala have however co-hosted several meetings.

When it comes to financing, the Joint FAO/WHO Coordinating Committees are an exception, especially in the case of coordination in developing countries. In these cases it is the Codex Alimentarius Commission, rather than the host government, that will cover such costs as translating during the meeting into the committee’s working languages.



3. Internal procedures

The operating rules of the Codex Alimentarius and the regular sessions and meeting periods of its subsidiary bodies are found in the Codex Procedural Manual, which contains all the necessary information on rules of procedure, statutes, principles of the organization, and rights and duties of Members. Certain FAO rules of procedure also apply to the work of the Codex Alimentarius.³

3.1. Regular Sessions

There are four types of meetings, relating respectively to the Codex Alimentarius Commission, the Executive Committee, the Codex Committees or Intergovernmental Task Forces, and the Regional Committees.

The Codex Alimentarius Commission meets annually, in the first week of July, alternating its sessions between FAO headquarters in Rome and WHO headquarters in Geneva. However, and although it is unusual, the Commission—that is, the Member Countries constituting the plenary—has the power to change the frequency of its meetings as it deems necessary (for example, because of the workload). Commission meetings are called “regular sessions”, while those of the subsidiary bodies are referred to simply as “meetings”.

One function of the Executive Committee is to conduct a critical review of the work of the Codex Alimentarius, and it therefore meets before the Commission’s regular sessions. However, depending on the volume of work underway, the FAO/WHO Directors may decide to convene it at other times during the

3 When a serious problem arose in the 29th session of the Codex Alimentarius Commission, articles of the FAO rules of procedure were invoked and decisions affecting the Codex were taken in that light, requiring the Secretariat to distribute those rules of procedure to Codex members.

year in order to move pending issues forward. The Executive Committee meets in the place where the Commission will hold its annual session.

The Codex Committees and Intergovernmental Task Forces generally meet annually. However, some committees, such as those on Fats and Oils and on Fish and Fishery Products, meet every two years. Others hold meetings every 18 months, as is the case with the Codex Committee on Fresh Fruits and Vegetables. According to the Procedural Manual, the country chairing the committee is its host country, and it may change the city where the meetings are held. In recent years some committee meetings were held outside the host country, in developing countries.

It is important to recall that the committees and task forces may create physical working groups and assign them tasks to be performed during the interval between regular committee meetings. Meetings of the working groups will not appear on the official schedule of Codex meetings, but will be communicated separately to the Contact Point.

The FAO/WHO Coordinating Committees, commonly known as the Codex Regional Committees (such as the FAO/WHO Coordinating Committee for Latin America and the Caribbean, CCLAC) meet every two years. Meetings are held in the country of the coordinator.

At each regular session of the Codex Alimentarius Commission, one point on the agenda is the calendar of Codex Alimentarius meetings for the next two years. A Codex document will be drawn up listing the meetings scheduled, the country that will host them, and the month in which they are to be held.⁴ This document will then be part of the minutes of the meeting. The Codex Alimentarius Secretariat will subsequently distribute it to Member Countries. It can also be downloaded from the Codex Alimentarius webpage or that of the CCLAC.

3.2. Notice of Meetings – Provisional Agenda

Notice of meetings will be sent out at least two or three months in advance. This notice is an invitation to participate, and will advise the date and place of

4 Sometimes the host country for the meeting will not be identified, but will be indicated as “to be determined”. This generally happens when the chair of some committee is negotiating with a developing country to transfer the meeting.

the meeting (not only the country but the physical location, e.g. conference center, hotel etc.). The invitation includes information on registration and starting times, as well as any security requirements with which delegates must comply (for example, presenting a passport or an official letter of accreditation).

The invitation will also indicate the working language of the meeting (a very important point, as the delegate may have to be changed if he or she cannot understand and speak the language in which the meeting is to be conducted), and it will establish a deadline for Members and observers to notify who will participate, and contact data for accrediting delegates to the committee Secretariat. Observing that deadline for sending information to the host country is a gesture of respect and consideration: the more detailed information available to the host country on the number of delegates attending the meeting, the more efficiently it can make arrangements for the number of copies of documents needed, arrangements for coffee breaks, the welcoming dinner, etc. It is important to remember that hosting these meetings takes a lot of money, and no one wants to spend more than necessary.

An important point contained in all invitations to Codex meetings is a reminder for those planning to participate to consult the embassy of the host country to see whether a visa is required. It is essential to determine this as early as possible. Visas are normally processed in the consulates of the host country. On occasion, however, in the case of very small countries there may be no consulate of the host country and so the visa cannot be processed locally. In these cases, the visa will normally be processed by an embassy in another country, or it will be delivered in transit to the host country or at the point of entry. Whichever route is used to handle the visa, it is essential to begin the process early.

The invitation will be accompanied by the Provisional Agenda for the meeting.

3.3. Provisional and Final Agendas

The provisional agenda for a Codex meeting is prepared by the Codex Secretariat in consultation with the committee's host country, and it retains that status until the beginning of the meeting, when the approval of the provisional agenda will be the first piece of business.

Codex meeting agendas generally follow the same order. First come the standard items (approval of the agenda, questions referred by other Codex commit-

tees, questions referred by FAO/WHO, etc.). Next is a listing of the documents under negotiation. Those that are at the most advanced step of preparation will be listed first, unless there is a decision to the contrary. Documents addressing food safety and public health issues will always come first. This is followed by “other business”. The final items on the agenda will be the date and place of the next meeting, and approval of the draft report.

3.4. Participation in Meetings

Each Member Country is entitled to send as many delegates as it deems appropriate. When there is more than one delegate, the country must indicate the head of delegation on the accreditation form.

The following may participate in Codex Alimentarius meetings:

- a) **Codex Members** may be represented by delegates from any sector that country chooses. Generally speaking, the Codex does not establish the number of delegates by country, except for the physical working groups, where it is normal to limit the delegation to two or three representatives per country. However, there may not be room for all the delegates of the country to seat at the country’s designated place. In these cases, delegates will take turns in accompanying the head of delegation, depending on their areas of expertise. In the case of large delegations, it is essential to warn the Codex Secretariat in advance.
- b) **International governmental and nongovernmental organizations** that have been in existence for at least three years and are concerned with matters related to Codex objectives and issues may be granted observer status by the FAO or WHO. There are a great many international governmental and nongovernmental organizations that have acquired observer status in the Codex; they are listed at the Codex Alimentarius webpage.

3.5. Accreditation

Government representatives must be accredited by e-mail from their capital. It is advisable for delegates to carry a copy of their accreditation, signed by the competent authority. For security reasons, the French economics ministry normally asks to see the accreditation that countries have submitted to the Codex Alimentarius.

Upon arrival at the meeting site, delegates will pick up their meeting pass and any other materials that the Secretariat must distribute. In some cases delegates will be asked to confirm that the data the Secretariat has are correct. The pass must be worn in a visible manner at all times: this will facilitate making contacts and also ensure security at the event.

3.6. Chair

With the exception of the Codex Chairperson and the Vice-Chairpersons, who are elected by direct vote of the Members at every other session of the Commission, and the Regional Coordinators who serve as chairs of the regional committees, who are elected by Members from the region, the chairpersons of the Codex committees and task forces are named by the host governments and retain their responsibilities until the government in question decides otherwise.

If the Commission Chairperson cannot preside, for substantiated reasons, one of the Vice-Chairpersons will step in. When this happens in one of the subsidiary bodies, the host government will decide who should replace the chair. The chairperson may not act as a representative of the host country during the debates, as this would undermine the independence of the chair.

3.7. Quorum

A simple majority of Members attending will constitute a quorum. For purposes of elections or making substantive amendments to the Procedural Manual, a majority is required or two-thirds of accredited Members present.

3.8. Management of Proceedings

The Chairperson runs the meeting and gives the floor to delegates.

The Chair is responsible for enforcing the Codex rules of procedure during the meeting, and for observing Article XII of the FAO General Rules, which applies to the Codex. That article contains complete instructions on the procedure to be followed with respect to voting, points of order, adjournment and suspension of meetings, adjournment and closure of debate on a particular

issue, reconsideration of a matter on which a decision has already been taken, and the order in which amendments must be handled.

It is very important that country delegates participating in a Codex meeting carry with them a copy of this FAO article, as it may not be available at the meeting. Because Codex Members are not necessarily familiar with the FAO rules, some disputes have arisen on the rare occasions when those rules were evoked.

3.9. Good Offices

In general terms, the Chairperson and the Vice-Chairpersons of the Commission, as well as the elected geographic representatives and chairs of the Commission's subsidiary bodies, are expected to help achieve the objectives of the Codex. The section of this Manual that deals with the adoption of decisions covers the "measures to facilitate consensus", which require the chairs to make their best efforts to achieve outcomes through consensus.

3.10. Presentation of Proposals

Section 4 of this Manual describes the various types of Codex documents and provides details on the presentation of proposals. It is important to bear in mind that proposals can be presented right up to the opening day of the Codex meeting. If there are several proposals on the same topic, the committee will have to evaluate all of them.

3.11. Adoption of Decisions

Decisions in the Codex Alimentarius are taken by consensus, as a general rule. However, there is no definition of "consensus", unlike in many other international organizations where the unwritten rule would seem to be that "consensus is the absence of opposition".

As can be appreciated from the circular letter offered as an example in section 4 on Codex documents, the notion of consensus is the subject of much debate and of numerous complaints from developing countries, especially from Latin America and the Caribbean and Southeast Asia.

Only in rare occasions has it been necessary to vote to adopt a decision about advancing a negotiation document in the Codex. However, any Codex Member that deems it necessary may ask the Commission or its subsidiary bodies to put a decision to vote. It is clear that Codex Members have sought to avoid formal votes for deciding the future of draft standards, recognizing that there is no certainty about the outcome of such a vote and that it could generate a precedent that would be difficult to reverse.

Mindful of this point, and bearing in mind the difficulties and disagreements in recent years, the Commission adopted a decision on “measures to facilitate consensus,” which can be found in the final part of the Procedural Manual. Those measures are intended for application by the chairpersons of the Commission and the subsidiary bodies.

There are certain issues on which votes must be taken, such as amendments to the Rules of Procedure of the Codex Commission—which require a two-thirds majority of votes cast. The same majority applies to the suspension of articles in the Rules of Procedure (Rule XV). The election of authorities also requires a direct vote of members.

3.12. Languages

The official languages of the Codex Alimentarius Commission are Arabic, Chinese, English, French and Spanish, but its working languages are English, French and Spanish.

The official languages are used at Commission sessions. Working languages are the ones in which the Codex committees conduct their work, with the exception of those regional committees where one working language prevails. For example, while there are three working languages for the Codex, the Codex Coordinating Committee for Latin America and the Caribbean conducts its meetings and work in English and Spanish, even though the language of Haiti is French—that country recognizes the enormous expense that translation and interpretation into French would entail.

The Coordinating Committee for Africa has recently included Portuguese among its working languages, as this is the official language of seven countries in the region. However, this applies only to the Committee for Africa and does not make Portuguese an official language of Codex.

Although Spanish and French are working languages of the Commission, Spanish- and French-speaking countries still have many problems occasioned by the delay in translating Codex texts, which frequently means that they have less time to examine the documents for discussion and negotiation. There have even been cases where Codex documents in one language or another did not arrive in time before the meetings.


Experience suggests that the proportion of bilingual technicians and specialists in the region is still low, and this may affect the ability to provide timely and properly formulated opinions on the texts. However, this should not be an impediment to analyzing topics of interest.

Before deciding not to submit an opinion on a document that is missing a translation into one or other of the working languages, a country should first send an e-mail to the Codex Secretariat asking when the translation will be distributed (in the case of working groups, it may have been agreed to work in only one or two languages, which means that another solution will have to be sought) and noting that since this refers to an official working language of Codex, it hopes to receive the translation in time to present comments.

The next step is to consult the Regional Coordinator, the Regional Representative, and the regional Members that speak the same language. It may well be that another country is interested in the same topic and has translated the document so that its own technical staff and private sector can comment on it.

Finally, if the topic is sufficiently important, the country may have to send the document for translation or seek the help of someone on the National Codex Committee who is prepared to translate it. Sometimes, if the private sector is sufficiently interested in the issue it may arrange for a translation and make it available to the government.

In any case, if the lack of translation of Codex documents into the Commission's working languages is interfering significantly with its work, it is a good idea to raise the question in the respective committee, at the Commission session, at the regional committee, and in a note to the Secretariat.



If a Member decides to raise the issue, as Colombia did over the last two years, a brief memorandum can be presented expressing concern. In that memorandum, the country should ask to have the issue included under "other business" on the meeting's agenda.

On the other hand, if the Member decides to participate in the committee meeting, it should ask at the outset (under item 1, approval of the agenda) to have the issue—i.e., late distribution of translated working papers—included on the agenda under “other business.”

3.13. Minutes

The Codex Secretariat, which participates in meetings of the Commission, the Executive Committee, the committees and the intergovernmental task forces (but not normally in the working groups), is responsible for drafting the report of the meeting, under the code ALINORM. That report must be read before the meeting concludes so that participants have the opportunity to confirm that it accurately reflects what occurred during the meeting.

The report is typically drafted on Thursday of the week of the meeting, when the local secretariat, together with the representatives of the Rome Secretariat, completes the work of translating the minutes. This means that it will be ready on Friday when Members and observers return to the meeting to review and approve the report. The report should never be approved unless it is available in all three official languages: if delegates have no command of the other two languages, they would be approving the report “blind,” and would be unable to verify the points that interest them.

If the version of the report in one of the official languages is missing, the Secretariat should report the situation before the Friday session begins, and the countries concerned should object to reading the report until the problem is resolved. If this takes so long that delegates must leave, the minutes should be adopted “ad referendum”, because if one of the language versions is missing the other two should not be reviewed either.

In reviewing the minutes, delegates should not expect to find a verbatim record of everything that was said. However, if a statement sparked intense debate, that debate should be reflected in the terms in which it occurred.

If a delegate wants to make sure that the minutes will reflect his/her opinion on a topic, or his/her objection to having the committee recommend approval of a text or approve a standard, then he/she should tell the chair expressly, when he/she takes the floor during the meeting or before discussion moves on to the next topic, explaining that his/her country wants the minutes to record

that position or objection. Whenever possible, it is best to do this in writing and to give the Secretariat a copy of the opinion (since it is the delegate's opinion, the Secretariat should not change anything in it).

Sometimes, when there is a topic of great interest for one country, its delegation will succeed in rallying support from like-minded countries. In that case the delegation should insist that the minutes identify the countries that supported its position, as this will facilitate the search for partners in future negotiating rounds. But as before, the delegation must expressly ask during the meeting that the minutes name the countries that supported or rejected certain proposals.

If a delegate considers that, as his/her country's representative, he/she must oppose the recommendation to approve a text, or a final approval by the Commission, he/she should declare that opposition expressly, and in the plenary session should ask the chair of the committee to have the minutes record his/her country's rejection of the decision put for adoption.

The ALINORM for the meeting will contain, in addition to the text of the report, the list of participants and the texts of the draft standards, indicating the procedural step at which each of them stands.



4. Codex Documents

In attempting to comprehend the work of the Codex, it is essential to understand what the different types of document deal with. The following is a description of the types of documents used in the Codex, how to differentiate them based on the reference coding, and what their characteristics are.

Codex documents are divided into six main categories:

- Procedural Manual: this has no specific reference code.
- ALINORM. (Codex Committee Meeting Report).
- Committee working papers (CX)
- Circular Letters (CL)
- Conference Room Documents (CRD)
- Approved Texts

Before explaining what function does each of these documents have in the organization of the Codex' work, Table 1 shows the reference code and numbers that correspond to each committee, so that the examples may be readily understood.

Table 1. Codex Committees: Acronyms and Numbers

CODEX BODY	ACRONYM ⁵	CORRESPONDING NUMBER
Codex Alimentarius Commission	CAC	Until 2005 the number was 41, currently REP
Executive Committee	EXEC	3
Codex Committee on Milk and Milk Products	MMP	11
Codex Committee on Food Additives	FA	12
Codex Committee on Food Hygiene	FH	13
FAO/WHO Coordinating Committee for Asia	ASIA	15
Codex Committee on Meat Hygiene	MH	16
Codex Committee on Fats and Oils	FO	17
Codex Committee on Fish and Fishery Products	FFP	18
FAO/WHO Coordinating Committee for Europe	EURO	19
Codex Committee on Food Labeling	FL	22
Codex Committee on Methods of Analysis and Sampling	MAS	23
Codex Committee on Pesticide Residues	PR	24
Codex Committee on Nutrition and Foods for Special Dietary Uses	NFSDU	26
Codex Committee on Prepared Fruits and Vegetables	PFV	27
FAO/WHO Coordinating Committee for Africa	AFRICA	28
Codex Committee on Food Import and Export Certification and Inspection Systems	FICS	30
Codex Committee on Residues of Veterinary Drugs in Food	RVDF	31
FAO/WHO Coordinating Committee for North America and the Southwest Pacific	NASWP	32
Codex Committee on General Principles	GP	33
Task Force on Foods Obtained from Biotechnology	FBT	34
Codex Committee on Fresh Fruits and Vegetables	FFV	35
FAO/WHO Coordinating Committee for Latin America and the Caribbean	LAC	36
Task Force on Fruit and Vegetable Juices	FJ	39
FAO/WHO Coordinating Committee for the Near East	NEA	40
Codex Committee on Contaminants in Food	FC	41 (starting in 2005)
Intergovernmental Task Force on Antimicrobial Resistance	AMR	42

5 The acronym corresponds to the name of the body in English. For example, FA is “Food Additives”.

Generally speaking, the reference code for each committee is usually preceded by the letters CC (Codex Committee). Thus, the CCGP is the Codex Committee on General Principles, for example, and the CCFC is the Codex Committee on Contaminants in Foods. In the case of the Task Forces, the acronyms will be preceded by TF: for example the Ad Hoc Intergovernmental Task Force on Antimicrobial Resistance will be TFAMR.

4.1 ALINORM

This code refers to reports from meetings of the Commission, the Executive Committee and the subsidiary bodies (Committees, Ad Hoc Intergovernmental Task Forces and Regional Committees).

Because all the reports have the same name, a coding had to be devised to differentiate them. The system works as follows. Suppose we are talking about ALINORM 04/26/xx. The 04 is the year the Commission session was held, the 26 is the number of the meeting, and the xx (in the case of Commission sessions) is the consecutive number allocated to the document, in a series beginning with 1.

The Commission used to be identified with the number 41. In 2005 the Codex Committee on Additives and Contaminants was split, and a code had to be assigned to the newly created Committee on Contaminants in Food, as the former number was kept for the Committee on Food Additives. Since it was decided that the numbers identifying the committees should be consecutive, and it was not known whether other subsidiary bodies would be created in the future, the number 41 was replaced by the acronym REP. For example, ALINORM 07/30/REP refers to the 30th session of the Commission, held in 2007.

If a committee holds more than one meeting between sessions of the Commission, the second report will be accompanied by the letter A.

With reports on meetings of the committees, the coding includes at the end a number identifying the committee.

4.2. Committee Working Papers (CX)

CX is the abbreviation for the Codex, and is usually followed by the acronyms identifying the committee, and then by a set of supplementary numbers. The first corresponds to the year the meeting was held, followed by the session number, and finally the number allocated to the document for discussion on the agenda.

This code is normally placed in the left-hand margin. For example, 92/10/4 refers to item 4 on the agenda of the 10th meeting of the committee, held in 1992.

4.3. Circular Letters (CL)

Circular letters are the documents whereby the Codex communicates with its Members and observers when it must consult them on texts under negotiation, on issues outstanding in an ALINORM, or on topics under discussion. The circular letters are sent out by the Codex Secretariat, and their coding is very simple. First comes the indicator of the type of document, in this case CL, followed by the year it was distributed, and then the number of the circular letter (this is a serial number indicating how many circular letters the Secretariat has sent to date), and finally the committee acronym. For example, CL 2005/30 - FICS is Circular Letter number 30 of 2005 relating to the Codex Committee on Food Import and Export Inspection and Certification Systems.

The circular letters also indicate the topic addressed, the deadline for presenting comments, and the contact point for sending the country's comments.

The circular letter normally provides a brief summary of the background to the issue and, as appropriate, the opinion and suggestions of the committee, the opinion of the Executive Committee, if any, and the decision of the Commission. It then goes on to state any doubts or concerns that may have been raised over the document in question and that must be settled before moving forward.

4.4. Conference Room Documents (CRD)

These documents have limited distribution. They are used to convey last-minute comments received from a country or organization, dealing with an item on the agenda of a Codex meeting. They are distributed only at the meeting, in hard copy and in the original language in which they were drafted. A CRD will not be sent out by e-mail either before or after the meeting, unless a member expressly requests in plenary session that the Committee Report record the fact that it will be distributed for consideration in future work, or unless the committee's secretariat decides to distribute it for the sake of transparency. CRDs are also used when the Secretariat needs to circulate agenda documents close to the date of the meeting, as this is the only way for submitting written comments on an issue.

Conference room documents (CRDs) are distributed only in their original language, which makes it difficult to ensure that they are read by

all Codex Members, including the chair and the secretariat, thus diminishing the likelihood that other countries will back the positions expressed therein.

If the issue is very important, the country should present its comments at least in two of the Codex languages: English and Spanish. The identification code for these documents is CRD, and they will be serially numbered beginning with 1, in the order they are received. The comment must be sent to the committee secretariat and to the Codex Secretariat in Rome. However, it is advisable for the delegate who will be attending the meeting, or the head of delegation, to bring the document in electronic format, for if it is sent by e-mail it may not arrive at its destination, or it may be lost in the Secretariat. In this case, on the first day of the meeting, as soon as it has completed its accreditation formalities, the delegate should review all the documents that have been put out for consideration by the participants and pick out the ones that were not available before he/she left home, and the CRDs. In all cases, the delegation must verify that the position papers submitted by its country have been published. If they have not, the delegation will have to approach the Secretariat, give it the electronic file, and ask that it be published as a conference room document.

The CRD is widely used by developing countries that do not systematically follow the work of the Codex during the year and do not respect the deadlines indicated in the circular letters for submitting observations. Instead, they will submit their comments only when they are sure they will be attending the meeting (this is not the best way to maintain a presence or win prestige in the Codex Alimentarius).

4.5. LIM Documents

These are used in Commission sessions as conference room documents. They are limited-edition documents, hence their name. They have the same function as the CRDs.

4.6. Approved Texts

These are the *raison d'être* of the Codex Alimentarius. They may be standards, codes of practice, or guidelines.

Once the texts have been drafted and negotiated, they are returned to the Commission for the last time, where they are approved and at that point become part of the Codex Alimentarius, constituting an international reference standards for the WTO, and therefore, a technical, scientific and legal benchmark.

- Standards are identified by the code STAN. For example, CX STAN 66/1981 is the Codex Alimentarius Standard for Table Olives, approved in 1981. The STANs apply to product identity and quality standards.
- Recommended Codes of Practice are identified with the code RCP. For example, CAC/RCP 46-1999 is the Code of Hygienic Practice for Refrigerated Packaged Foods with Extended Shelf Life.
- Guidelines or Principles or Procedures and criteria carry the code GL, since they are provisions of general application to foods. For example, CAC/GL 32-1999 refers to the Guidelines for the Production, Processing, Labeling and Marketing of Organically Produced Foods.
- Next we have the MRLs. For example, CAC/MRL 2-2008, which are the Maximum Residue Limits for veterinary drugs in foods. There are only three such standards, dealing with pesticides, veterinary drugs, and foreign substances. This is because they contain integrated lists for each type of substance.
- Finally, a few texts carry the coding MISC, for example CAC/MISC 5-1993 Rev. 2003. This is a Glossary of Terms and Definitions on Veterinary Drug Residues in Food, revised in 2003.

Codex publications are divided into distinct volumes by topic, as described in Table 2

Table 2. Codex Alimentarius Publications

Volume	Topic
1 A	General requirements
1 B	General requirements for food hygiene
2 A	Pesticide residues in foods (general texts)
2 B	Pesticide residues in foods (maximum residue limits)
3	Residues of veterinary drugs in foods
4	Foods for special dietary uses (including foods for infants and children)
5 A	Processed and quick-frozen fruits and vegetables
5 B	Fresh fruits and vegetables
6	Fruit juices
7	Cereals, pulses (legumes) and derived products and vegetable proteins
8	Fats and oils and related products
9	Fish and fishery products
10	Meat and meat products; soups and broths
11	Sugars, cocoa products and chocolate and miscellaneous products
12	Milk and milk products
13	Methods of analysis and sampling

All the Codex texts can be found at www.codexalimentarius.net



5. The Process of Approving Documents in the Codex Alimentarius

The Uniform Procedure for the Elaboration of Codex Standards and Related Texts consists of eight steps or procedures that must be followed to win approval of a Codex standard or related text.

5.1. Uniform Procedure for the Elaboration of Codex Standards and Related Texts

Step 1. The Commission, on the basis of a recommendation from the Executive Committee or a subsidiary body, decides to undertake new work or to revise an existing standard. In the case of proposals from the regional committees, the Commission will base its decision on the proposal of the majority of Members of the region.

Step 2. The Secretariat arranges for the preparation of a proposed draft standard. In the case of Maximum Limits for Residues of Pesticides or Veterinary Drugs, the Secretariat distributes the recommendations made by the Joint Meetings of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues (JMPR), or the Joint FAO/WHO Expert Committee on Food Additives (JECFA). In the cases of milk and milk products, the Secretariat distributes the recommendations of the International Dairy Federation (IDF).

Step 3. The proposed draft standard is sent to governments and interested international organizations for comment concerning the scope of the document

and its contents. For developing countries it is very important that they should provide comments on the possible economic implications that the approval of such a draft standard could have.

Despite its importance, developing countries take little advantage of this step, because their level of development poses countless questions that can be an impediment to effective application of a series of new measures established in a Codex standard. Those problems may relate to lack of infrastructure, equipment and available laboratories, a shortage of trained human resources, and an inadequate technological base in the productive sector. Obviously, it is always important in these cases to consider whether there is a proven health risk to consumers and to assess carefully whether the proposed measures are proportionate to that risk. The proportionality of the measure, in fact, will often make the difference between whether a proposed draft is well-intentioned or merely a pretext to shut competitors out of a market.

For this reason, mention can be made at this step of the potential impact on international trade that would derive from the proposed measures, recognizing that unless the technical and economic feasibility of applying it in different countries is considered, some products from a given country may fall short of the standard and will find themselves facing a price penalty or simply banned in certain markets.

Step 4. The Codex Secretariat receives the comments from Member States and international organizations and sends them to the committee responsible for the topic, which will amend the text as it sees fit and submit it as a “draft standard” to the Codex Commission.

Step 5. The proposed draft standard is submitted through the Secretariat to the Executive Committee for critical review and to the Commission with a view to its adoption as a “draft standard.” Naturally, for the Commission to adopt the proposal as a draft standard, it would have been circulated to all Members for consultation (remembering that the Commission is the Members).

In theory the Commission and the Executive Committee should take into account the economic implications that the standard could have for Member States.

The “critical review” by the Executive Committee presents an opportunity that should be more widely used. The fact is that developing countries seldom raise concerns in meetings of the Executive Committee. For this reason, for example, the CCLAC urges its members to make written submissions on the repercussions that the adoption of certain

standards could have for their economies, their productive sector, etc. Those opinions are subsequently relayed to the meeting by the Regional Coordinator or the Regional Representative.

In the case of Regional Standards, all Members of the Commission may present their comments and propose amendments, but only a majority of the Members of the region can decide to amend or adopt the draft.

Step 6. The draft standard is again sent out to all interested parties for further comment. At this step it is again possible to comment on the economic implications that the draft standard could have if it were adopted without amendments.

Step 7. The comments received from member states and international organizations are sent by the Secretariat to the corresponding subsidiary body, which will consider such comments and amend the draft standard accordingly.

Step 8. The draft standard is submitted through the Secretariat to the Executive Committee for critical review and to the Commission, with a view to its adoption as a new Codex standard. The Secretariat will also send the comments on the draft standard presented by Member States and international organizations for amendments at step 8.

Very few amendments are allowed at this step of the procedure. Yet until the draft is adopted nothing is final. Many draft standards that were put for final approval at step 8 have been sent back to step 5 and remained there several years until a draft was prepared that took into account all the concerns of Members. An example of this can be seen in the negotiation of the “Guidelines for Determining the Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems”.

Many developing countries tend to be criticized when they wait until the Commission session at step 8 to voice their opposition to approval of a draft standard, but in fact this may well be the only meeting a developing country attends, and it may not have been following the work of the committee as closely as it should. In these situations, when the country decides to oppose the document at such an advanced stage, it will need to have very well-founded arguments to put forward.

Whenever possible, countries should follow the work of the committees that interest them even if they do not participate in the meetings, for in this way they will have the chance to submit written comments in earlier steps, warning

on the nature of their concerns. Similarly, if a developing country keeps track of the issue over the years it will be able to raise it at some point in the regional committee meeting and line up support from other countries, and this may help it win a reversal in the Commission.

5.2. Uniform Accelerated Procedure for the Elaboration of Codex Standards and Related Texts

This streamlined procedure allows a draft to move through to approval in only five steps when there are no objections. Everything depends on the ease with which the topic can be addressed and on the consensus that has been achieved. Essentially, to obtain approval via this procedure the concerns of all parties, and not just some, must be taken into account.

The Commission can in fact revert to the lengthier process if it considers that the accelerated proceedings have failed to take account of all the concerns of Members. It may even designate a different committee from the one that prepared the draft to finalize the procedure.



6. How to Prepare for the Meetings

6.1. How Can I Prepare Myself Before the Meeting?

Preparation for the meetings is one step in a lengthy process that is called organization. Preparing for a Codex Alimentarius meeting is not something a delegate can start worrying about when he/ she is told he/ she is going to participate—it must be an ongoing process. It has no beginning and no end. There will be stages of greater intensity, which take place prior to the meetings and we will look at them in this section. We assume that the interested country has made it a point to follow the Codex documents throughout the year, and to respect the deadlines established in the Circular Letters.

In fact, the Codex is undoubtedly one of the organizations with the broadest experience in helping countries organize themselves to take an active part in meetings. The FAO has been constantly striving to assist Codex Members organize themselves structurally and equip themselves with a network or structure for coping with Codex work.

While international organizations can provide guidance to governments and offer them cooperation in creating their national structures, the process will never be very sound without intervention and conviction at the political level. Such conviction has to be supported by advice from technical staff, who must be very clear in conveying to the political level the importance that Codex Alimentarius negotiations hold for the country. The fact is that political officials—who may have no previous governmental experience with Codex issues—will have no reason to treat them as particularly important. We may say, then, that this is a two-track process: decisions must be taken at the political level as to what role the

state will play, and how it will play it, and the technical staff must call the politicians' attention to the issue so that they will define a policy to be followed.

Some years ago it may have seemed quite natural that only a few stakeholders would be involved in certain issues. Many functions of government were not shared either with other members of the executive branch or with the private sector, especially when it came to international negotiations. The immediate consequence of that approach—which can still be seen, as pointed out by some international organizations—is that there is no consistency in national policies or in the positions taken in international negotiations. A point that is fervently pursued by the country in negotiations within one organization may be compulsively rejected when it comes to the same issue in another organization.

Today transparency in decision-making also extends to the positions a country adopts in international negotiations. Greater transparency has forced interdisciplinary work, for when the issues dealt with in international organizations are made visible to all we will inevitably find that some stakeholders have common interests and others have opposing interests.

The Codex understood this point a long time ago, and proposed a series of measures to its Members for equipping themselves with the local structure that would help them define their national positions. Other international bodies are now recommending this organizational model, as is the case with the Committee on Sanitary and Phytosanitary Measures (SPS Committee) of the World Trade Organization.

A number of Latin American and Caribbean countries have begun in recent years to build their own structures, in some cases merely to respond to the work of the Codex and in other cases to give answers in all the related international negotiations, such as the SPS Committee, the World Organization for Animal Health (OIE), the International Plant Protection Convention (IPPC) and, of course, the Codex Alimentarius. A few countries have even managed to include the Agreement on Technical Barriers to Trade (TBT) in work related to the same products or goods covered by the “three sisters” (Codex, OIE and IPPC).

A structure along the following lines is needed to organize Codex work:

- a.** a contact point;
- b.** a technical coordinator for the contact point;
- c.** a national Codex committee or commission;
- d.** national technical groups or committees to consider topics of interest.

The national commission or committees should comprise representatives of the public sector—typically the ministries of economy, production, agriculture, health, trade, foreign relations and industry—the private sector through business chambers such as associations of primary producers, manufacturers’ associations, suppliers of agricultural inputs, food industry chambers, certification organizations, private laboratory associations, NGOs interested in Codex issues, the academic world and research institutes, which can assist in analyzing Codex issues and help to reflect the national position in the form of a document. The inclusion of a broad range of stakeholders ensures transparency in management and objectivity or balance when it comes to taking a decision—even when the decision is extreme—as it will assuredly be the result of consultation with all interested parties.

Delegates participating in a Codex meeting should take part in the discussions at the national level, since they are generally specialists in one of the government agencies that make up the national committee. Consequently, ensuring preparedness for a Codex meeting will depend on the operational effectiveness of the Codex National Committee, which should have available the following:

- the agenda for the meeting;
- the documents for the meeting;
- the national position papers submitted to the Codex;
- other background information (see point 6.7 for a more detailed list of the documents that must be reviewed);
- the possibility of making prior contact with delegations from like-minded countries in order to forge alliances.

Before the national delegation leaves home, a final wrap-up meeting should be held to go over the issues and take last-minute decisions, in light of the latest information received. Sometimes there will be “Add” documents (containing country comments, for example, which may have arrived late) and it is important to review them together with other members of the national committee, because they might change the position or the strategy adopted on certain issues.

Delegates who are participating for the first time in a Codex meeting would do well to read this Manual, brief themselves on some of the practical questions, and read the guidance for first-time delegates on the Codex webpage.⁶

6 www.codexalimentarius.net

Following are some important considerations for delegates:

Visas. When preparing internal documentation to request travel authorization as a representative to a Codex meeting, it is important to inform the authorities if there is urgency in the matter, so that steps can be taken to obtain visas if these are required for citizens of your country to enter the country hosting the meeting. When preparing the travel authorization, you should have full information on the procedure, which in some countries can take several days.

Vaccinations. Find out sufficiently in advance whether you will need vaccinations to enter the country, as immunization may take several days to become effective before the trip.

6.2. Who Should Meet?


As a delegate appointed to participate in a meeting, you should advise your National Committee immediately that you have begun to prepare for your trip, so that you can meet with the committee for a last review of the agenda, as indicated above.

If your country has a National Codex Committee, or better yet, an equivalent of a Codex technical committee, you should meet with its members to discuss the agenda items for the meeting and seek their assistance in preparing for it. Otherwise, if there is no national committee in place, you will need to convene a meeting with all the parties interested in the topics of the committee in question, to review the papers. The difference between calling formal national committee meeting and a meeting of this kind is that you do not have to invite ministries with no specific interest in the issues at hand.

6.3. What Should Be Discussed?

At this meeting of the National Codex Committee or technical committee, you will review the documents for the meeting's agenda, the comments circulated from other countries, and the positions that your own country has already submitted to the Codex. You should always have the Procedural Manual and the Codex strategic plan for the current period at hand.

In this case you, as the delegate, should participate actively with the national committee or the corresponding technical committee in:



Preparing instructions for the delegation, which the national coordinator for the Codex will then relay to the appropriate authorities for signature. Those instructions must reflect national positions that have been circulated and any additions or changes that have been made to them in light of other countries' positions. For each item, indicate its priority and the suggested strategy to be followed.

The instructions should advise the delegate of his/her maneuvering room for adopting decisions during the meeting, and give him/her express instructions on how he/she is to conduct himself/herself vis-à-vis the other members of the Regional Committee.



Making suggestions so that the Codex national coordinator can start making contact with other countries to forge alliances.

If a delegate is participating for the first time, you will need guidance on questions of form and substance relating to travel, accreditation, the procedure for requesting the floor, the other countries you should make contact with before the meeting starts, how and through whom to deliver a conference room document, etc.

6.4. What Is a Country Position?

The tendency to create national Codex committees was not the result of some creative idea from the Codex Alimentarius, but came rather from the observation that Codex Members were offering totally different opinions on the same issue at different meetings, highlighting the fact that, deliberately or not, there was a lack of communication and coordination at the national level between ministries which, even if their mandates were different, might have to address the same issues from different angles—for example, approving pesticides for environmental reasons and MRLs to protect consumer health—as if each ministry were a separate, closed entity.

There is still some evidence at the local level of this determination to preserve turf and to admit no outside opinion. In the matters covered by the Codex we still occasionally find this compartmentalized vision of reality that assigns one or other ministry exclusive competence for certain decisions. Yet the multiple impacts that Codex standards can have frequently require participation by more than one government agency, as well as industry representatives, which means that a forum and a procedure have to be found for reaching national positions based on consensus.

Those who persist in the compartmentalized vision of international negotiations lose sight of the fact that lack of transparency in taking decisions to adopt a country position in different spheres of negotiation can betray weaknesses in those Members, which savvier countries can exploit to their own advantage.

As an example, the FAO Conferences often touch on issues relating to food safety or quality. In many countries there is no consultation on this point with the National Codex Commission to see whether all the relevant ministries are included, on the grounds that the FAO concerns itself—or should concern itself—only with the ministries of agriculture and that, therefore, FAO issues are their exclusive preserve, which is a fallacy. Delegates to FAO Conferences—who do not generally follow the Codex process—will thus often accept recommendations that their fellow national delegates would not accept in the Codex.

The same thing happens with decisions adopted in the Assemblies of the World Health Organization (WHO). In many developing countries, the only opinion heard is that of the health ministry, even though the decisions taken will have an impact on all the ministries involved in the Codex Commission.

It is quite natural to assume that there will be contrasting interests at play in establishing a national position. New certification requirements that may appear fairly reasonable to the public sector will impose a new burden on the private sector. New conditions for establishing MRLs could seem quite reasonable from the health, environmental and consumer viewpoints, whereas farmers and the sector grouping basic food processors, or agrochemical producers, may reject them outright.

The objectives of individual sectors of national life will often differ, as in many cases international rules, such as the Codex, will impose new requirements on producers. For this reason, the first level of negotiation has to be internal—to achieve a consensus in order to establish the country position.

There will be occasions when the technical people who normally meet in the National Codex Committee will not be able to reach agreement, and will have to seek instructions from their superiors in order to establish a position, or alternatively, to decide to offer no comments (which could be a mistake since work on the issue in the Codex will go ahead anyway).


Finally, it is clear that the position expressed in an international negotiation meeting is not the personal opinion of the delegate expressing it, or that of the ministry he/she represents, for neither the delegate nor the ministry is a Member of the Codex Alimentarius. It is countries

that are Members of the Codex, and therefore, any oral or written presentation on a Codex topic will be a COUNTRY opinion.

For this reason, if the delegation is to act transparently and coherently it will always need to consult other interested parties in defining a country position.


6.5. How to Present the Country Position?

The country position can be put forward in writing or orally.

 **Written communications** are prepared in capitals, in the context of the Codex national committees, as discussed in detail in point 6.15, “How Should Documents Be Prepared?” Let us merely mention here that there are various types of documents that can be presented at different points in the process:

- Response to circular letters;
- requests to approve new work;
- draft standards; and
- conference room documents.

In all cases, the important thing is to work out the national position sufficiently in advance and have the document translated into other languages, if there is an interest in lining up more countries in its support.

 **Oral communications:** merely submitting a country position paper is not enough for the comments to be taken seriously: the delegate speaking on behalf of his/her country will have to ask for the floor and present the position orally during a Codex meeting.

Yet not all interventions will flow from the documents the delegate has brought along. At times, the delegate will have to respond to other countries' reactions, offering counterarguments that may not have been considered back in the capital.

In the Codex it is not a good idea for a delegate to read out the entire text of documents already submitted in writing, for the floor time is limited to two minutes. It is better, then, to focus on highlighting the salient points of the document and to indicate that further details on the position can be found in the published document (citing the Codex identification code assigned to the document).

If the country position has been submitted to the Codex sufficiently in advance, the meeting interpreters will have a copy of it and this will facilitate the translation of the delegate's invention. However, it is important to speak in a measured manner, with short and clear sentences, which will make it easier to translate the intervention correctly.

6.6. How to Sustain the Process?

Ensuring long-term continuity at the national level of the negotiation processes that take place in international organizations can be one of the toughest challenges, for several reasons:

- Codex negotiations are long and drawn out, and even when negotiating a standard on an indigenous product or one of local interest, it will seldom be the case that the government that sponsored it will be able to announce its approval. There is no such thing as immediate success.
- There may be shifting priorities and changes in policies and authorities that can frustrate national structures that are not thoroughly consolidated. In these cases it will depend on the determination of stakeholders and the public sector, private sector, the academic and scientific worlds to demand that the authorities regularize the activities of the National Codex Committee. As it was already mentioned, this is a process that provides its own feedback, and in which all stakeholders have a responsibility.
- The National Codex Committee will have many members who may never have the chance to attend an international Codex meeting. Yet they will still be invited to help prepare the documents. For this reason, they need to feel part of the process and to identify with the successes and frustrations experienced by the national delegate during the meeting, so they will regard the continuity of the process as part of their professional challenge and their commitment to their country.

To give continuity to the process it is important that the internal rules of the National Codex Committee require the delegate to submit a written report when he/she comes back from the meeting, and to debrief the committee on his/her experience, so that the outcomes and also the perceptions emerging from the meeting can be examined jointly. In other words, the delegate's report should focus not only on the concrete outcomes on specific issues (these can be read in the ALINORM from the meeting, which reports "decisions adopted") but also on the discussions that took place.

In addition, in the report to the national committee, the delegate should also attempt to convey information about other aspects of international negotiation—historical knowledge of cultural affinities that surface in meetings, the natural alignment between delegations and government representatives, their ways of legislating internally, discussions on similar issues in other committees, the performance of the chairperson and vice-chair persons, and the strategies that certain countries may pursue.

The delegate should not only present a report to the National Codex Committee but should also deliver a back-to-office report to the authorities, so as to maintain interest in the issues the delegate was involved in, and also to raise other questions that may have emerged during the meeting. That report should also inform the authorities about any contacts made with FAO/WHO, and any offers the country may have received to participate in other meetings to pursue joint projects, etc.

The motivation that a delegate generally feels when he/she comes back from a meeting should serve as a starting point for considering future actions so as to be better prepared to respond to new proposals on topics emerging from the meeting. If the issues can be given continuity it is not impossible to wrap up Codex work on schedule. The problem lies in the fact that work generally does not get started until a circular letter arrives, or until documents are assembled for the next meeting. This is not the road to success.

The National Codex Committee should draw up a schedule of activities for the short, medium and long terms, relating to committee issues. Keep in mind that, depending on the outcome of the meeting's handling of the issues, some will remain on the agenda without moving on to the Codex Commission, while others will require scientific input from the Codex expert groups, which will give the country an opportunity to present data (in these cases consultations with the country's research centers and universities are essential to know whether the country has produced studies or has data on the topic in question). Still other documents will be passed to the Commission for approval, in which case a future meeting should be proposed to assess the final texts and define the national position to be taken to the Commission. The work of analyzing the new topics proposed by the committee can begin on the basis of countries' presentations so that arguments can be prepared to support the country position for the Commission meeting that will have to decide whether or not to undertake new work.

If the authorities intend to continue the process, when it comes time to prioritize activities for the coming year, be sure the schedule includes a provision for travel to the next committee meeting.

6.7. What Documents Should I Review?

As indicated in the section on Codex documents reflecting the country position, the first step in organizing the work must be to compile the documents that will serve as the basis for the work. Pay particular attention to:

- **ALINORM from the last committee meeting.** That report will give a clearer and broader view of what happened with documents that are still under consideration. In particular, review it to see if there were any confrontations that could point to potential allies or adversaries once the country position has been defined.
- **ALINORM from the last Commission session.** The Commission session reviews the reports from the committees and adopts the decisions it deems appropriate. It also gives guidance to the committee on any controversial topics under consideration so that a decision can be reached.
- **Preliminary Agenda for the committee meeting.** The preliminary agenda for the next meeting will contain all the topics under negotiation. As noted already, the first item of business is approval of the agenda; the next item is the report on questions referred to the committee, and then the issues under negotiation. Remember that the first topics are those relating to food safety (and they are treated as priorities), and that those at the most advanced procedural steps will be dealt with first.
- The reference codes for the documents to be discussed will be shown on the right-hand margin of the agenda. Those that repeat the acronym and the number followed by “Add” are in fact compilations of country positions or additional reports from FAO/WHO, etc.
- Remember that the documents listed in the agenda are not the only ones that will be dealt with at the meeting, for all interested parties (Members, observers, the Secretariat, FAO and WHO, etc.) can submit conference room documents that will be circulated only at the meeting. Sometimes countries do not pay attention to these documents, and that is a mistake. Conference room documents may contain proposals that have already been agreed by different blocs of countries during informal meetings held to move the proposals forward.
- Delegates must be careful with conference room documents when they deal with a new proposal. If the topic is too complex to take an immediate decision, it is advisable to call attention to that fact and

explain that the delegation has not had sufficient time to examine it and that the country's experts on this area are not at the meeting.

- **Agenda documents.** Agenda documents have an introduction that normally explains all the steps the document has been through, and the decisions that have been taken on it. For this reason, it will also indicate what other documents should be consulted. The text for negotiation accompanying this introduction will also have references to other Codex texts that must be read in conjunction with it. Some of these references are very important, and they will sometimes help to visualize the scope of application that the sponsors are seeking to give to a text.
- Pay close attention to which procedural step the document you are interested in is at, and what alternatives are open at that step. Do not miss the opportunity to comment on the technical and economic feasibility of the standards.

6.8. What Materials Should I Bring with Me?

- In the first place, bring the letter of accreditation that the government has sent for registering you as a delegate, in case any problem should arise.
- The invitation to the meeting, since this will contain all the information on the site of the meeting, starting times, etc.
- The agenda for the meeting and the documents that were circulated.
- The Codex Procedural Manual and the relevant portion of the FAO General Rules which apply, *mutatis mutandis*, to Codex meetings (these can be downloaded at www.codexalimentarius.net).
- In the case of a committee that has compiled its approved texts in a single volume, you should bring that too—for example, the texts approved by CCFICS and CCFL—for it is normal practice to refer to previous texts because the issues are closely related.
- At times it may be useful to have in hand the WTO Agreements on the Application of Sanitary and Phytosanitary Measures and on Technical Barriers to Trade, since the safe and sure approach on certain issues is generally to avoid straying from the letter of those agreements.

- Instructions for the delegation, signed by the competent authority. Remember that the instructions may contain much more information on the country position than was sent in writing to the Codex.
- If this is a Codex session in which several informal meetings are expected, it is well to prepare an agenda for those meetings, with contact data on the organizer and the date, time and place planned for the meeting.
- Countries that are members of the Coordinating Committee for Latin America and the Caribbean (CCLAC) often hold an informal meeting among themselves, and another with the United States or with members of the “QUAD” (United States, Canada, Australia and New Zealand). A meeting of the G-77 (the group of developing countries) may also be convened.
- At the time of accreditation to the Codex, it is a good idea to have the foreign office advise the embassy in the host country that a delegate will be participating in the meeting.
- Additional information to be kept handy:
 - Contact data for the embassy, officials, telephone numbers, address, how to get there.
 - Information on the place of accommodation.
 - Information on the place of the meeting (remember that if there is to be a physical working group before the meeting begins, it will not necessarily be held in the same place as the plenary: pay attention to all the information in the invitation).
 - A city map.
 - How to get to the meeting—you can get information from the committee’s Secretariat or via the Internet on means of transportation from the airport to the hotel and from the hotel to the meeting site.

6.9. Do I Need to Make Appointments in Advance?

As mentioned earlier, it is normal practice for different interest groups to hold informal meetings in advance of the session to address agenda topics and see whether they can reach consensus on some of them, or to deal with a hotly disputed topic. However, if the National Codex Committee is not well organized or is short of staff, the Codex coordinator or the contact point in the country may not transmit the information about those

meetings to the delegates who will be attending the committee meeting. Consequently, it is a good idea to communicate with the contact point a few days before traveling to ask for such information or to request that the Regional Coordinator be consulted to see if there are any informal meetings planned. You should also consult the news items at the CCLAC webpage (www.cclac.org).

A country may also initiate other meetings it is interested on. If it is known that there is a small group of countries that share your national position, you may seek a meeting with the delegates of those countries. To do so, you will have to ask your official Codex contact point to contact the others by e-mail. It is best to hold such meetings on the opening day of the formal session, because in this way there will usually be space available in the convention center for talking with your peers. If the issue is really important, the embassy is an ideal place to meet, if it has enough room. In this case, you will have to make arrangements in advance and send out the invitations. Remember that CCLAC delegates often travel at the last minute, so if you call a meeting for the previous Sunday you may not get very many participants, even if they wanted to attend.

6.10. Do I Need Accreditation?

Failing to obtain accreditation in advance betrays sloppy organization, as well as total disregard for the meeting organizers. Remember that organizing a successful meeting depends on knowing exactly how many people are going to be attending.

Accreditation must be arranged through the contact point, since the delegate cannot do this on his own. You will be the delegate of your country, or the head of the delegation that will represent your country, and your accreditation must be an official act, as you will be acting on behalf of your country, and not your own.

The invitation typically includes a registration form in which you are asked for your contact data, your position and the role you will play in the delegation. That form, duly filled out, should be sent to the e-mail address indicated on the form or the invitation.

To complete accreditation arrangements, the contact point must send a note asking the Ministry of Foreign Affairs to arrange your accreditation for the meeting, with the same data as contained on the registration form. The application should be sent to the Codex Secretariat in Rome and to the committee secretariat. The Ministry should also send a copy to its embassy in the host country.

The delegate should carry a copy of the accreditation, since some countries request it upon issuing credentials at the beginning of the meeting. Something unforeseen can always happen—at the last moment, your trip may not be approved, or you may not be able to get a visa. In this case, you should send a communication advising that you will not be able to attend

6.11. Do I Have to Forge Coalitions? How Do I Do That?

It is virtually impossible to achieve the desired results if you do not recognize that negotiation is teamwork. In fact, the word itself indicates that it is not a solitary undertaking, where one person can take decisions, but that interaction between at least two persons is involved. Negotiation does not mean imposing a position but rather recognizing when and how to give a little ground and thereby achieve the best possible outcome.

If you are going to negotiate you must know the terrain—the world of the Codex and its dynamics—and the actors. Unfortunately, with constant changes in the national delegations of CCLAC countries to the Codex meetings, what you learn one year may not be applicable in the next.

If the meeting agenda has topics of real importance for your country, the best way to build coalitions is to start work early. This Manual does not suggest any single route, but reflects practical experience in achieving the desired results.

Just as with national position papers or the negotiation strategy, identifying the issues of importance on the agenda will depend on the definitions and decisions taken in the National Codex Committee, which must be ratified by the authorities. Therefore, if the agenda contains topics of importance for your country, then it is up to your country, through its representatives, to take the initiative in seeking alliances. To this end, you should try to have English and Spanish versions of your national position if you hope to line up many allies.

Your country, as well as the coordinator or a representative who attends Codex meetings frequently, is bound to have some “quasi-unconditional” partners in those negotiations. It is common to see countries from the same region—which may be members of other regulatory bodies as well—acting in unison. Let them know that your country intends to present comments on certain issues, and if they have similar economies and production profiles they are very likely to sympathize with your position and to support it.

During negotiations, it is quite common for exporting countries—often developing countries—to issue joint comments, even if they have not worked out a position in advance, and for the industrialized countries to often coincide in their views as well. Nevertheless, when you have to find allies you should not think only of countries that have the same profile as yours, because sometimes, for very different reasons, two countries with totally different profiles may adopt the same stance in a negotiation.

Many times a developed country will be wrestling internally with an issue of food safety and quality, and will present it to the Codex for approval as new work. Because this is a new issue, and one that may involve very advanced food control systems, it will likely be rejected by developing countries, but it may also be opposed by another developed country, simply because the new approach proposed runs counter to its practice and its current legislation. This is to point out that you need to try to win over converts from all quarters to your country's positions.

One set of potentially interesting allies are in fact those that have nothing in common with the issue you are proposing, and have not considered it. This is quite common in the negotiation of commodity standards, as there are countries that are not even aware of the food in question: they neither consume it nor import it. In this case, supporting your position not only costs them nothing but will be seen as earning them some future bargaining chips.

Therefore, once the national position papers have been prepared, the first thing to do is to approach the contact points for your region (all the e-mail addresses can be found at www.codexalimentarius.net or at www.cclac.org). You should also send your country's position to countries in other regions, or contact your Regional Coordinator or Representative to indicate which other countries could be consulted. In all cases, you should accompany your country position with an e-mail explaining that you are looking for support on a given issue, that you are sending along your comments on document XXX, that you would be delighted to have their opinion before the meeting, and that you are ready to answer any questions or doubts they may have. The reason for this is that you need not only to align views but also to have information on:

- Which countries might sympathize with your national position;
- whether some of them could send in written comments similar to yours; and
- which countries are planning to attend the meeting

Many countries have only limited resources for dealing with Codex issues. In particular, they may be short of specialized human resources available for preparing comments on the texts. For this reason, if your comments reach another country sufficiently in advance so that your contact can put them forward in the National Codex Committee, this may serve as a “heads-up” on a topic that they had not considered, and your paper may be taken as a guide for preparing an identical or similar national position. In this way, you will have won an ally.

The Codex takes decisions by consensus. Therefore, if you are hoping to convert your position into a Codex decision, this will depend on the number of allies you can line up. Consensus is built on shared views, and if a country can win enough allies it may well achieve its goal or at least be able to block adoption of a hostile position, and thereby gain more time to seek other allies.

Sometimes the embassy in the host country can help achieve a critical mass of Members that will support your country’s position. This means asking your foreign office to intervene and have its diplomats call on their “natural partners” who may be attending the meeting, and ask for their support. Remember that those “natural partners” must also ask their capitals if they can lend their support to another country. Time is of the essence here, for when a diplomat consults his home office and through it the national contact point, the latter should already be aware of the request and should have a position on it.

When the country serving as regional coordinator or regional representative for the CCLAC attends a Codex meeting, it is common to call an informal advance meeting of the CCLAC at the meeting site. Discuss this possibility with the coordinators and if such a meeting is going to be held, be sure to have copies of the country position you intend to defend and distribute them to the others so they can read your position and remember it during the meeting. The risk of waiting until the meeting itself is that many delegates will either have no negotiating mandate or will be afraid to support a position that their National Codex Committee has not assessed. This situation, which is common in developing countries, should be reversed: if the delegate cannot form alliances, then he/she really cannot negotiate. Indeed, every delegate should carry instructions to seek alliances and to exchange favors with other delegations.

Be clear, concise and persuasive whenever you want to win over a new ally for your position.

6.12. Who Should Attend the Meeting?

As noted above, the Codex Alimentarius has two basic objectives: to protect consumers by ensuring food safety and to promote fair trade practices so as to facilitate international trade.

The first thing to bear in mind is that the Codex is an international negotiating forum, not a conference or technical congress. Consequently, the measures adopted there have implications for all countries.

In contrast to WTO negotiations—which always take place in Geneva—the scattered distribution of Codex committees requires Foreign Ministry officials to make a more concerted effort to familiarize themselves with the issues and the dynamics of Codex meetings so that they can represent their governments at the yearly sessions. It is normal for countries to have diplomats who take a real interest in tracking a specific committee.

To the extent possible, the officials attending the meeting should have a thorough command of the issues and some expertise in international negotiation. Countries with the resources to do so generally send representatives from each of the ministries concerned with the items on the agenda.

In choosing representatives, it is important to remember that the negotiations are technical, but they are also bound to have trade implications and therefore to impact on several sectors. For this reason, the delegate should be a member of the National Codex Committee. In some countries it is the technical coordinator who attends the Codex meeting, whereas in others it is the technical secretary of that committee who does so. In any case, it is the specialists responsible for preparing the National Codex Committee for the Codex negotiations who should participate.

Because the National Code x Committee involves several ministries, the choice of delegate will depend on which of those ministries has the available funds and sufficient interest in the topic to approve the trip. Thus, representatives of the agriculture, health or foreign ministries or consumer protection agencies might attend. The ideal would be for the delegation to have a professional negotiator or diplomat or to make sure that the ministries prepare themselves for international negotiations.

In professional terms, the list is very broad: agronomists, veterinarians, food technologists, chemists, microbiologists, mathematicians, statisticians,

physicians, biochemists, nutritionists, and lawyers are trained in different disciplines that will be useful in the Codex Alimentarius negotiations. However, it is best to have adequate specialization in international negotiations and to have a delegation with specialists in all the areas of negotiation. The main point is to have a person with knowledge on the topics and negotiating skills.

We frequently see country delegates who carry a written national position and say nothing during the meeting. If your country has submitted comments and you do not speak out, no one will do it for you. This situation can reflect three factors: the delegate may find that the written comments were poorly drafted or that the issues were not fully understood when drafting the position; there may be a personality problem (not everyone is comfortable speaking in public); or the delegate may be under firm instructions from his government not to intervene. If there are no such instructions, and if your government—cash-strapped but deeply interested in the Codex issue—has made the effort to send you to the meeting, you should put aside your fears and speak up.

In selecting a delegate for the meeting, it is important to consider the languages that will be used. This does not mean excluding anyone, but if it is known that the physical working group is going to conduct itself solely in English, it makes no sense to send someone who speaks only Spanish. In this case, it is best to find out whether another country from the region will be participating: if so, your delegate can discuss the issue with that delegation, give it the country position that was sent in writing to the committee, and ask it to remind members of the working group that your country has submitted comments.

6.13. What Happens if the Capital Cannot Be Present at the Meeting?

This complicates things a bit, but the situation can still be salvaged, and a whole year's efforts will not be completely wasted if a trip cannot be authorized. It is common for developing countries to skip many Codex meetings, in some cases because the implications of the Codex standards are not well understood, and in other cases because there are more pressing budgetary priorities.

If the agenda topics are important, the authorities may consider asking the Foreign Ministry to represent the national position through the embassy in the host country. Such a request may catch the embassy by surprise, and it should be made sufficiently in advance so that the necessary arrangements and contacts can be made, not only with the Foreign

Affairs Ministry but also with the embassy representative designated to attend the meeting, if the complexity of the issues so requires.

Embassy personnel are not experts in Codex issues, and so you should send them not only the position papers but also an explanation of the topics of interest and maneuvering “tips.” If person from the embassy representing the country is not familiar with the topic he/she will not be able to “negotiate” without the necessary information.

Another important aspect on such occasions (and also when delegates travel from capitals) is to ask the embassy representative who will participate in the meeting to make contact, immediately upon arrival at the meeting site, with the Regional Coordinator, with the Regional Representative, or with a country from the region that is thought to have a position of some leadership, in order to exchange comments on the agenda topics and reach consensus. As noted earlier, we know who our natural allies are, and which countries can give backing to our national position and help us create a “critical mass.” If we are not going to be present, then, the embassy representative must have this information.

6.14. Do I Have to Send Information Before the Meeting?

In the Codex various situations can arise where the information available must be sent in writing, and still others where it is advisable to do so anyway. Yet the decision will depend on each country’s strategy. While transparency should be the rule, it is not by chance that countries that have many delegates at the meetings and more people back home working on the issues will spring proposals at the last minute. Sometimes the element of surprise can be a decisive factor. When the stakes are very high, consult your “natural allies” and the most experienced countries from the region to help you assess your alternatives.

Required actions

- Accredite the delegates participating in the meeting, through the contact points and foreign ministries.
- Put forward candidates for elective positions (chairperson and vice-chair persons of the Commission).



Recommended actions, subject to strategy

- Send in position papers to the Codex on agenda items, but submit only CRDs on issues for which you did not send position papers before the deadline in the circular letter.
- Propose issues for inclusion under agenda item “Other business and future work”.
- Offer to be the permanent host for a Codex committee.

The previous section described the situation that arises when the embassy is asked to represent the country at a Codex meeting. In this case, you obviously *must* send the embassy all the information, including accreditation for the diplomat, the Codex negotiating documents, the country position papers, and instructions with an explanation of the issues and maneuvering room. In addition, you should send an agenda for the informal meetings and a list of desirable contacts—like-minded countries, the Regional Coordinator, and the Regional Representative.

6.15. What Should I Do About Documents?

In section 4 we looked at the broad range of Codex documents, their purpose, and who prepares them. You will understand now that Codex Members have direct responsibility only for preparing their position papers, for presenting new work proposals, for the drafts that must accompany those proposals, and for the draft standards. In the end, whatever the presentation, getting your comments circulated will depend on submitting them before the cutoff date, or as a CRD at the meeting.

6.15.1. Key considerations in preparing position papers

So far we have seen what Codex documents are all about. Now we turn to the basic knowledge a country needs when it is thinking of presenting a position paper in writing, or a new draft Codex standard. This Manual will not go into the degree of specialization or the structure that the National Codex Committee currently has in the country. We will merely mention some aspects that are important in this process:

- There must be a contact point responsible at least for receiving information from the Codex, distributing it to interested parties and,

as far as possible, coordinating other activities such as meeting invitations, reminders of the cutoff dates for Codex documents, or putting together a country position paper.

- There should be a National Codex Committee or Commission or an equivalent structure, formal or informal, comprising representatives of the public sector, the private sector, academics and researchers, specialized in the topics to be addressed. The National Committee must prioritize the committees the country will follow.
- The General Principles of the Codex must be known and understood and it is necessary to be familiar with the Codex Procedural Manual. In this way, the established rules will be known that must be complied with (unless there are solid reasons for proposing changes to them) as well as the limitations that those rules impose on some of our comments or proposals.
- Have available the Codex Alimentarius Strategic Plan for the current period, and consider whether the document to be presented is in line with the objectives of the plan (this is particularly important when your country is submitting a proposal to prepare a new Codex standard or text).
- Keep information on the mandate of the committees(s) of interest, the procedures established for handling the issues they address, the committee texts previously approved by the Commission, and the Codex documents of general scope that may have an impact on the work of those committees. This will require prior study, perhaps with outside guidance, to help identify the documents that deserve special attention.
- Pay particular attention to the Criteria for the Establishment of Work Priorities. This is especially important when a country intends to propose new work, for if those criteria are not followed the proposal may be delayed or derailed by a simple procedural question.
- If our interest is to secure approval of new work to prepare a standard on a given product, we must be familiar with the Format for Codex Commodity Standards, which is found in the Procedural Manual.
- If our interest is to seek changes to an existing standard, we must analyze the nature of those changes to see whether they involve a complete revision of the standard or simply an amendment to one of its provisions. According to the Procedural Manual, an amendment “is any addition, change or deletion of text or numerical values in a Codex standard or

related text, may be editorial or substantive, and concerns one or a limited number of articles in the Codex text. In particular, amendments of an editorial nature may include but are not limited to:

- correction of an error;
- insertion of an explanatory footnote; and
- updating of references resulting from the adoption, amendment or revision of Codex standards and other texts of general applicability” (further details on this point can be found in the Procedural Manual).

In the end, it will be the Commission—with assistance from the Secretariat—that decides whether an amendment or revision is involved. Nevertheless, if we are initiating a proposal, we need to understand this point clearly.

As noted earlier, written interventions in Codex negotiations can give rise to different types of documents. Remember that any text presented by a Member is a negotiation text, which must reflect the country position, understood as the best option for defending the national interests, bearing in mind the objectives of the Codex.

Following are some of the various options a Member State or observer has for submitting written interventions to the Codex:

6.15.2. Country position papers in response to circular letters or agenda items of the Commission or of a Codex committee

We shall take as an example Circular Letter CL 2008/34 – GP consulting interested parties on behalf of the Committee on General Principles. The cutoff date for submitting comments is 30 January 2009. The topic of the consultation is “The Concept of Consensus and its Application in Codex.” A document prepared by the Secretariat gives the background for the issue within the Codex. It includes an account of debates in the various Codex bodies and the outcomes/decisions reached. It then provides members with a summary of the responses from the committee chairs to a questionnaire in which they were asked to explain how they achieved consensus in their meetings, and other related questions.

The topic of the above consultation is very important for some countries, in particular developing countries. For example, it is a topic of great interest to members of the Codex Committee for Latin America and

the Caribbean, who have often felt that their views were not given sufficient weight in decisions taken by committee chairs. CCLAC members have discussed the issue in their regional meetings, and so it is useful to review the minutes of the regional committee to see what national delegates had to say.

This CL also offers an opportunity for a truly joint approach, for it not only reviews the background of debates in other Codex meetings and previous decisions taken on the notion of consensus (shown in the table on the first page) but also allows for the exchange of experiences with representatives of our country's National Codex Committee who may have participated in various Codex committees.

As a starting point for preparing sound comments, we need to familiarize ourselves with the issue by reading the background and the decisions included in the Procedural Manual on "consensus", and further that knowledge through an internal discussion within our National Committee. This is not yet the time to put things down in writing, but rather to draw conclusions as to "what is the standard in this case for reaching consensus", "how does the process actually work", "how would we like it to work", "what is best for my country", and "what should we propose or suggest for achieving our objective."

At last we are ready to write things down. Where do we begin?

- In the first place, enter the coding for the circular letter and the title, and then the country commenting. In this case we will have:

CL 2008/34 GP
The Concept of Consensus and its Application within Codex
Comments from ... (name of country responding)

- It is usual in the case of a Circular Letter (CL) such as the one we have taken as an example that a country will want to make some **general comments**, duly setting out its position on the issue, and that it will want to offer observations on portions of the background paper, or draw comparisons deemed relevant. In this case, we can take as an example of the process for reaching consensus that used in the United Nations, the WTO or other organization considered appropriate because of its effectiveness or its democratic way of taking decisions. We can then go into detail in the

answers requested in the CL. We can also offer a section with conclusions, if we wish. It is best to divide our comments into three sections:

- General comments.
 - Specific comments.
 - Conclusions.
- Under “specific comments”, we must answer the questions contained in the CL.

However, we must remember that circular letters will not always ask questions or provide so much background on an issue. Sometimes we have to look for these ourselves.

Another example:

Here we shall consider document CX/FICS 08/17/6 (Codex Committee on Food Import and Export Inspection and Certification Systems), asking for comments on a discussion paper on “National Control Systems”. Here are the steps to follow:

- If work is already underway, we do not need to consult the Commission’s Strategic Plan. Otherwise, if it is a proposal for new work, we must take account of the strategic objectives of the Codex Commission.
- Next we must check the mandate of the committee, in this case CCFICS. This committee is responsible for import and export inspection and certification systems, but not for the inspection of food produced and marketed locally. Therefore, we might conclude that the committee has no mandate to prepare a text on this issue.
- Next, we must consider which other committee might address the proposed topic. We may well conclude that, since this is a question of general scope that affects all foods, the issue should be taken up by the Committee on General Principles.
- Next we must see what standards the Codex may have adopted on this topic, or related topics, for the Codex must already have regulated some components of a food inspection system. This would help us understand whether there is any regulatory gap, or whether it is just a question of putting together the pieces of a puzzle. For example, FICS has prepared and the CAC has approved documents on Principles for Food

Import and Export Inspection and Certification, Guidelines for Food Import and Export Inspection, Principles on Traceability/Product Tracking, etc., that are definitely applicable to national control and inspection system, as the same organization or institution responsible for local product inspection may be responsible for imports and exports as well. Moreover, other committees such as the Committee on General Principles have developed principles of risk analysis for governments, and this is another component of control systems. We are likely to find still other Codex committees that have already approved documents or have contributed elements to the “food control system”.

- After reading all the documentation needed to analyze the issue and discussing it with colleagues, we need to sit down and think about the matter before suggesting options.
- At this point we must ask ourselves: what are the options?
 - To what extent has Codex already regulated national control systems or the tasks they must perform to ensure consumer safety and fair practices?
 - Are the CCFICS provisions applicable to national control systems?
 - What aspects of a control system are still not covered by Codex standards? It is clear that local production inspection is not properly covered.
 - Does my country want Codex to tell Members how they should control domestic food production?
 - From the viewpoint of WTO obligations (SPS and TBT agreements), what would a Codex standard contribute to national control systems?
 - If there is currently no Codex standard on national control systems, and I am an exporting country, what legal and technical basis do standards issued by Codex—as an international agency of reference for the WTO—offer for assessing whether the market for my products is giving me the same treatment as it gives its nationals?

If the CCFICS has already adopted standards on control and inspection systems but the CCGP can address topics of general scope, does this mean that we can opt for one or other committee to do or at least attempt to do this work? Is there a reason for preferring one of these committees, for the way it has treated my country? Which committee has been more balanced in defining consensus for pursuing work? From previous experience, have they given equal consideration to countries’ concerns?

- Once we have answered the above questions, and others that may arise in discussion with other members of the National Codex Committee, we will be ready to define the strategy that best suits our national interest.
- Another detail to be borne in mind is that some countries will not present full comments in writing. Suppose, for example, that the National Codex Committee has concluded it would be better not to have a Codex standard on national control systems and submits comments opposing the idea, but then goes on in its written presentation to suggest which committee should look at the issue. This is tantamount to assuming that its opposition will be ignored and that the new work will be approved, and this could undermine its negotiating position. In other words, the written presentation should confine itself to stating the country's opposition, duly substantiated, but the instructions to the delegation should read: "If the committee decides to pursue the issue we should propose that this be done in committee X, and explain the reasons why."
- The strategy of not putting forward a complete position in writing will usually not work if the country does not send a delegate to the meeting, as the only indication the meeting will have of our views is what is in the text we sent.
- If we miss the cutoff date in the CL, we may have to present our comments as a "Conference Room Document" (CRD) after the agenda documents for the meeting have been distributed. In this case, the working procedure is the same, except that we will have to explain, in submitting our country position, that we want it to be published as a CRD.

6.15.3. Documents for requesting inclusion of an item on the agenda

If our country wants to see an item included on the agenda, we must perform the same type of analysis as that described above, i.e., seek out the background on the issue so as to be well-informed about it. Next, we need to draft a clear and concise text, with an introduction and a proposal for presentation to the committee. (Whenever possible, requests for new work should be made to the competent committees, as neither the Commission nor the Executive Committee will take a decision on preparing a new standard without the opinion of the committee that normally deals with the issue.)

The cover page of this document will look like this:

CRD
Item 11 Other Business and Future Work
25th Meeting of the Codex Committee on General Principles
Name of Country
Introduction (by way of example)
The Principles of Risk Analysis constitute one of the pillars of the post-WTO-launch era, for the Codex Alimentarius and its Members.
For this reason, we view with concern the fact that, apart from the document on Working Principles of Risk Analysis applied by the Codex Alimentarius Commission and those addressed to governments, the remaining texts list as principles the functions of the subsidiary bodies, the criteria for evaluating a food safety problem or the procedures for conducting the assessment or managing the risk, which poses subtle differences.
We also consider that it would be sound legislative practice to define clearly the difference between principles, criteria and procedures, and to separate them from functions, mandates, interaction, etc.
The Codex Alimentarius, together with the OIE and the CIPF, have been recognized by the WTO as international agencies of reference in sanitary matters. Indeed, article 5 of the Agreement on the Application of Sanitary and Phytosanitary Measures provides that sanitary measures must be based on a scientific assessment of risks, taking into account risk assessment techniques developed by the relevant international organizations.
The Codex was not foreign to the process of negotiating the Agreement on the Application of Sanitary and Phytosanitary Measures, and that is one of the reasons why it was decided to begin to define the principles of risk analysis, which must constitute not only a guide for governments but the reference texts for the WTO, which also demands clarity.
Proposal
Country X requests that this committee recommend to the Commission that new work be undertaken to define clearly what is a principle, a procedure, and a criterion within Codex, before conducting a thorough review of the Principles of Risk Analysis prepared by the Codex committees.
Similarly, our country recommends that, once defined and approved by the Commission, these terms be applied to reorder the texts of principles of all the committees, jointly with the work that this committee must pursue to revise the consistency of the texts.

The above is very brief and merely an example, although on occasions it does not take much text to justify the need for work.

Good practice dictates that we must indicate the coding of the documents mentioned in the proposal, but we can also give examples to substantiate what we are proposing.

The proposals should be sent in advance so that other delegations can evaluate them in capitals. Otherwise, they are likely to oppose or seek to postpone the topic on the grounds that they have not had enough time to consider it, or that their delegation does not include experts on the topic.

6.15.4. Drafts for presenting a proposal to undertake new work

As noted earlier, if the topic we want to introduce is a proposal on a new topic of negotiation, we will have to demonstrate, with an argument based on the “Criteria for the Establishment of Work Priorities”, that this is necessary. As will be seen from the Procedural Manual, in addition to these criteria there are others that are applicable by certain Codex committees, such as those for prioritizing compounds for evaluation by the JMPR, the criteria for the inclusion of new methods of analysis, procedures for the entry and review of food additive provisions, etc.

Generally speaking, developing countries are more inclined to seek new Codex standards on commodities, often because they are indigenous products that are not internally regulated, and they may not know how to regulate them. Another reason may be that there is an emerging trade in these products, or that studies commissioned by the government point to an export potential. On still other occasions, the country may be exporting the product but is having trouble complying with requirements in the importing country.

The Criteria for the Establishment of Work Priorities contain three sections:

- **General criterion:** if the proposal is related to the Codex objective of consumer protection from the point of view of health, food safety, and ensuring fair trade practices.
- **Criteria applicable to general subjects:**

- a) *Diversification of national legislations and apparent resultant or potential impediments to international trade.* If the country is exporting to various markets and legislative diversification is producing trade complications, this should be indicated. Remember that, in general, we will be dealing with questions of product identity and quality, not product safety, although these may also arise. For example, a variety of sardine that in one country's view should not bear the common or generic name "sardine", because the importer does not consider it an equivalent variety. Or there may be provisions relating to the sizing of fruits or vegetables that use a different method or different categories, or the composition of fatty acids in oils, which may result in differing interpretations as to their identity or quality. In these cases, we must explain the existing differences, mention the countries where they have been detected, through what legislation, etc.
- b) *Scope of work and establishment of priorities between the various sections of the work.* Suppose we are dealing with provisions on *Salmonella* in poultry. In this case we will need scientific advice from JEMRA (the expert meeting that considers microbiological risk assessments), and some of the work will have to wait until we have that information.
- c) *Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental bodies.* For example, when the topic of product traceability was addressed, some countries raised the need to consider the definition adopted by the International Organization for Standardization (ISO). Similarly, when regulating questions relating to milk products, the standards of the International Dairy Federation (IDF) must be considered, or those of the AOAC International, in the case of analytical methods.

- **Criteria applicable to commodities**

- a) *Volume of production and consumption in individual countries and volume and pattern of trade between countries* (for the product in question). In this case we need to provide statistics showing that there is international trade in the product we are presenting. Generally, these are indigenous products for which trade is just reaching an interesting volume. Normally proposals of this kind come from developing countries. On occasion they may concern products in which there is already regional trade and a major potential for international trade. In this case, the proponent will likely be advised to present it to the regional committee to develop a standard of regional scope.

- b) *Diversification of national legislations and apparent resultant or potential impediments to international trade.* It may be that there is no international standard for the product, and that each producing country has regulated it differently. The same happens with importing countries, which may have established conditions that the producing country finds it difficult to meet. In this case it is very useful to demonstrate the degree of regulatory diversity, how the requirements differ, and why the lack of a world standard is affecting trade.
- c) *International or regional market potential.* It may be that trade in the product for which regulation is proposed has been growing significantly in recent years. In this case, we will want to demonstrate that growth in demand, and how markets are diversifying.
- d) *Amenability of the commodity to standardization.* We may identify which aspects could be standardized, or even present a draft standard of product identity and quality.
- e) *Regulation of the main consumer protection and trade issues by existing or proposed general standards.* If there are trade problems or great diversity among the regulations applied by different countries, the proponent must be clear as to which aspects should be regulated to guarantee consumer protection and fair trade practices that will facilitate international trade. On this basis, criteria issues should be dealt with.
- f) *Number of commodities which would need separate standards indicating whether raw, semi-processed or processed.* This point requires us to define clearly the scope of application the standard will have: what kinds of products it will cover, whether all the proposed aspects can be included in a single standard, or whether different committees will have to deal with the topic. Suppose we intend to regulate chilies and chili sauces. In this case, chilies are covered by the Codex Committee on Fresh Fruits and Vegetables, while chili sauces are dealt with in the Codex Committee on Prepared Fruits and Vegetables.
- g) *Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental bodies.* It may be that the ISO is preparing a standard, and a non-ISO country might want the Codex to regulate it so that it can participate in the decisions. Or perhaps there is a specialized intergovernmental agency for this product where the regulatory trend for product identity and quality runs counter to our interests, and so we would prefer to have

the standard established in the Codex. There may also be situations where the work underway in another organization does not cover all the aspects that we think should be included in such a standard, and we would like the Codex to come up with something more complete. In any case, if we know of a standard on the topic and the aspect that interests us, we should mention it.

To sum up: if we want to propose new work we must prepare a document and address all the criteria mentioned above, with proper substantiation.

6.15.5 Proposal for a draft commodity standard.

To propose a draft commodity standard we must bear in mind the “Format for Codex Commodity Standards” set out in the Procedural Manual. All commodity standards have a standardized format that includes the following sections:

- Name of the Standard
- Scope
- Description
- Essential Composition and Quality Factors
- Food Additives
- Contaminants
- Hygiene
- Weights and Measures
- Labeling
- Methods of Analysis and Sampling

Draft standards do not necessarily have to address all sections, as they may involve either a raw or processed commodity. However, they will always follow the same order. The country proposing a new topic for consideration in the Codex will frequently submit an initial draft of a standard for the commodity in question.

Remember that when proposing an item that is not on the agenda, or when asking for new work, besides presenting the corresponding document it is advisable to ask for the floor at the beginning of the first session, when the agenda is approved (item 1 on the agenda), and declare that your country has presented CRD number “X” under Other Business, raising “Y” question. Then, when point X comes up, you must give a full presentation on the topic.

6.15.6. Key factors in preparing a document of any nature

- While the explanations provided on the documents that can be prepared and submitted in the Codex has been extensive, the documents themselves should not be, because what you want to do is to call attention to concrete questions. So it should be brief, concise and clear, to draw the attention of the Secretariat, the chair and other Members.
- When you make a proposal or a comment, justify it. Don't fall back on excuses - "we are a developing country", "we have no data" - because if you don't properly explain the implications that approval of a text or some provision could have for your country's industry, it will do little good to claim the status of a developing country that lacks information.
- Remember that the Codex has adopted many definitions. So you should be careful in your use of terms, for otherwise you could just cause confusion. It is not your overall perception of the meaning of a given term that is important, but rather the meaning that the Codex has assigned it in the framework of its objectives. For example, the definition of risk or hazard will not be the same for the OIE, for the Codex or for the CIPF, since their scope of work and objectives are different.
- Learn how to handle the Agreements on the Application of Sanitary and Phytosanitary Measures and on Technical Barriers to Trade. This will give you a broader understanding that you can use in your country's comments on Codex documents.
- Seek out opinions and interact with all those involved in the issue under negotiation in the Codex. Having in hand different viewpoints, different angles of experience, and different interpretations of documents will help you put together a solid national position.
- Start early, if you can and if the Codex allows. Consultations take a lot of time, and your final position may also have to be translated into another language. Before submitting your final position, it is also very useful to trade information with countries of the region to see if you will have allies in the debate, and to find out the concerns of your closest partners.
- Within your region, the coordinator for Latin America and the Caribbean and the Regional Representative can give you guidance and assistance in resolving any doubts. If not, they may be able to suggest

another country that can do so. Don't hesitate to ask for help from people who are ready to give it.

- In every Codex region there are countries that, because of their agro-ecological, cultural or economic conditions or level of development, will be natural allies. Identify them. You may be able to form a multiple partnership—remember that there is strength in numbers.



7. How should I prepare my interventions for each agenda item?

Throughout this Manual we have provided guidance that will help delegates prepare their interventions for each item on the agenda, but we can also offer some recommendations for using your speaking time efficiently. This section deals with oral presentations, because you will already have a national position set down in writing and written instructions with additional orientation.

If the country position paper was published by the Codex, you should not read it out, for that could irritate some committee chairpersons who will find it redundant. Besides, you have only two minutes to speak.

Suggestion: prepare a written text for your statement, which should be clear and concise, and should go right to the heart of the matter. If there were previous interventions that you would like to support or reject, make a note of them and address them when it is your turn to speak. If the topic under debate is hotly disputed and if you subsequently ask that your statement be recorded in the minutes, or if you know that others will support your statement, then you will need to have a written text to give the committee (this is the only way to make sure that the minutes reflect what you actually said). Keep a copy of your statement, in case there are any doubts, for on the last day of the meeting you will have to check to see if it is in the report.

If it is difficult to produce a written text at this time, you should at least jot down on paper the key points you want to make sure appear in your statement. Remember that a delegation will not normally be given the floor more than

twice on any topic, and so you should use your floor time to the best advantage. Some committees even have a timer bell that will cut off a delegate who has used up his/her time.

Codex meetings can be a daunting experience, for they may have more than 300 participants. This can be upsetting to someone not accustomed to such a crowd, and can make him/her nervous. Don't worry, this is a normal reaction, but don't let it paralyze you.



8. The Meeting

8.1. How and When Should I Intervene?

In the course of this Manual we have seen how to prepare a document and how to prepare for the items on the agenda. Now we shall see what to do once we are in the meeting room and sitting in our country's chair.

8.1.1. How to intervene?

To intervene in a Codex meeting you have to ask for the floor. The way you do this is to take your country's "flag"—the place card with your country's name on it—and place it on end, vertically, making sure the chair and the secretariat can see it.

In the Codex Committee on Food Labeling there is an electronic system, where you press a button located at the base of your microphone to ask for the floor. Your country's name then appears on the chair's computer screen. Don't worry about these details, as the chair will generally explain them before each meeting.

Once you have the floor, the first thing to do is to lower your country "flag" (the place card) and then activate your microphone, which usually has a red button indicating that your speaking time has started to run.

It is best to take off your earphones, because feedback between them and the microphone can be painful to the interpreters' ears, and even to those present in

the room. When you take them off don't place them near the microphone. Remember to switch off the microphone once you have finished your statement.

When you have the floor, you should first thank the chair. This is a formality but you will see immediately that all countries respect it. If you are speaking in support of other delegations that preceded you, it is good to mention those delegations.

Speak up, speak clearly, and speak slowly—remember that the interpreters have to hear and understand what you're saying and translate it simultaneously. Give them time: if they can't hear you properly, they will cut off the ends of your sentences and no one will understand what you're talking about.

8.1.2. When to intervene?

In any meeting, and especially in negotiation meetings, it is important to “size up” the people in front of us. Observe how the chairperson runs things, see whether he/she follows any order in giving the floor to others, and how long he/she gives them. This will help you manage your own interventions.

Once the topic is introduced, the chairperson will open the floor to debate. He/she may first ask if there are any general comments, and then go on to discuss each article, each section of the text, and so on.

You will see that in the general discussion many countries will state whether they agree with the text in general or not, and with the procedure it was followed to prepare it, or they will thank the country that accepted the task and then indicate briefly which parts of the document they will have further comments on.

If your position is to reject a text completely, this is the time to say so.

Deciding on the right time to ask for the floor is up to you or your delegation. It will depend both on your country's interest in the topic and on the strategy you have adopted, as well as your own perception. Choosing the right moment is part of the art of negotiation. There are no perfect formulas.

If your position is to be constructive in moving the text forward, you may ask for the floor and advise the chairperson of the articles on which you have proposals. The chair will tell you if you should put forward all your proposals at once, or in what order. If, on the other hand,

your position is firmly against the proposal, and you expect other countries to support you on the basis of a prior agreement, the alternatives are to raise your flag and be the first to speak, trusting that all those who promised to support you will do so, or to wait until some others have spoken on the issue and then present your position of rejection and start reaping support.

If the issue under discussion turns out to be highly controversial, remember that your opinion is absolutely necessary to define the situation. It is best, then, for you to ask for the floor and take a stand.

You should be insistent if you believe that Codex principles have not been respected, if you think that your position had the support of many countries but was not considered, or when the chair draws conclusions that in your judgment do not reflect what happened at the meeting.

Even if discussion of the item has been closed, you should also ask for the floor before moving on to the next item if you want your statement or your firm opposition to a committee decision to be recorded in the minutes.

There have been frequent occasions where several countries have agreed to support one work proposal or oppose another, with all the “like-minded” raising their hand before debate is even opened. If we fail to judge correctly what is happening in the rest of the room, i.e., which delegations have asked for the floor among the countries we know will oppose our position, we may well find that our group’s interventions are all concentrated at the beginning and that subsequent discussion will be dominated by members taking the opposite stand. If we misjudge this aspect of “when to ask for the floor,” the chair may be left with the perception that our position has lost support during the debate. If this happens, and if there is a great deal at stake, you will have to be persistent to demonstrate, at least, that there is no consensus on the issue.

If, having made a proposal, you start to receive comments, do not ask for the floor immediately. Wait a while to see if other Members will also address your suggestions, so that when you intervene again you can respond in substance.

If your delegation did not originate a proposal, or if your National Codex Committee, for example, has said it is concerned over the issue but is not in a position to make comments, you will likely have been advised to note what country X says, and to support its comments. In this case, take note of the interventions of that country and of others with similar positions and prepare yours in support of them.

Oftentimes the intervention strategy will be part of the decisions adopted in the informal meeting(s) of your Regional Committee. Be sure to participate in these meetings, for this will give more assurances when the time to act comes.

Always remember that a delegation will not be given the floor more than two or three times except on especially controversial or complicated issues.

As indicated in the section on the agenda, the topics on the Codex agenda follow a pre-established order:

1. Adoption of the agenda;
2. Questions referred by other Codex committees;
3. Questions referred by FAO/WHO, etc.
4. Negotiating documents on food safety issues and those at the furthest steps of the approval process.
5. Remaining topics.
6. Other business and future work.
7. Date and place of the next meeting and approval of the draft report.

When the meeting is opened, the chairperson will give the floor to the Codex Secretariat to explain the preliminary agenda and any suggestions that the Secretariat wishes to introduce in it. Sometimes it will suggest changes in the order of addressing the topics. For example, a document that was near the end of the agenda, because it is still at step 3, may have received full support in the round of comments or in a working group, in which case the chair may assume that debate will be brief and may want to move the item forward on the agenda, since other topics that were to be discussed earlier could require a sizable part of the meeting time.

Proposals submitted under “Other Business and Future Work” should be mentioned at this time: it is at this point that a Member can ask for inclusion of an item on the agenda. Once the agenda is approved, it cannot be changed.

8.1.3. On what issues should I be active, and how?

You have been chosen to represent your country. This is not a conference where you are a passive bystander, nor is it a congress, much less a training course. You were appointed to negotiate certain documents that will become an international benchmark binding on your country, pursuant to its obligations under the WTO. Unless your government has expressly instructed you not to intervene in the debate, you must participate.

Developing countries have very few resources available for participating in negotiating meetings, even when they deem them to be very important. You have been selected—even if it was only thanks to some cooperation fund that your trip was financed—and you cannot remain silent. Remember that you not only have a contractual relationship with your employer—which is sending you to negotiate—but also have a moral obligation to your country. Developed countries did not get where they are by accident. Watch them, observe closely how they defend their positions.

You already have your instructions in hand, your national position on the documents and, if you came from the capital, you have also participated in meetings of the National Codex Committee that discussed the negotiating documents and prepared the country position. You know, then, what are the most important issues on which you should intervene actively. This does not mean ignoring other questions on the agenda: as you will need alliances to reinforce your position, you will have to pay attention to all the topics under discussion even if you have no national position on them in writing. The greatest resources and the best strategy should be devoted to the issues that are most sensitive for your country, and these will have been clearly prioritized at home. On the other hand, issues of less interest can be used to “trade favors”.

While as a delegate you must strive for one hundred percent satisfaction with the outcome of the meeting, not all your comments will be taken into consideration, nor will the conclusions fully reflect what you proposed. There are many interests at play, but negotiating means winning some ground and yielding some ground, and then winning and yielding again, until you conclude that a certain balance has been struck, which is not likely to be perfect.

Your instructions from capital should offer you alternatives. Very rigid positions usually leave delegates without anything to say after their first intervention. The idea is that if we are negotiating, we should try different options that have been thought through in advance.

It is also a good idea to have additional information on your opponents. You already know their opinion, as you have examined the meeting documents with the positions of other Members. For example, if we have lined up support for not approving a topic as new work, and half of the committee wants to move forward, one alternative is to suggest that the issue is not yet sufficiently clear and that we need further clarification or more information, for which purpose a discussion paper could be helpful. In this way, we may not get the item off the agenda, but we can postpone the decision to the next meeting. Another example: assume that your country commented that a certain portion

of a document could compromise its exports because the inspection systems are not up to controlling some aspect, or to handling electronic certifications; the discussion is getting highly complex; and you realize that the position from headquarters will not prevail. In this case, you might suggest that an electronic or physical working group should discuss the matter in greater depth. Another possibility is to offer alternative wording, converting sentences that impose actions into wording that merely suggests action, so as to take account of the diversity of existing situations.

There may be some confusion between “negotiating” and “imposing”. This Manual is designed to help you discover the art of negotiation. If you see that this is occurring in a Codex meeting, pay attention, because it may well be that the recommendations in the General Decision of the Commission on Measures to Facilitate Consensus⁷ which is included in the final section of the Procedural Manual are being disregarded. If after reading those measures you feel that the chair is not applying them, you should ask for the floor and make a suggestion.

8.2. Working with Alliances

It is advisable to make contact with the Regional Coordinator and the Regional Representative. They may not know which countries will be participating in a meeting, which delegates will be attending or which other countries may be interested in the same topics as you, but they will have other information that could be helpful for making useful contacts. They can also consult around the region to find information for you, and they can sometimes include your topic of interest on the agendas of other Members.

Moreover, in Latin America and the Caribbean there is the possibility of conducting online chats via www.cclac.org, and these can also serve to build prior consensus. For these online chats you will need to communicate with the Codex coordinator for Argentina, who is responsible for the webpage, and with the country that is serving as regional coordinator for

⁷ Decision taken at the 26th meeting of the Codex Alimentarius Commission in 2003.

the committee.

8.3. What Is to Improvise at the Meeting?

In the previous chapters we dealt with the organization and preparation of our actions, the documents submitted from capital, and interventions for presenting those positions during the meeting. Yet international negotiations require something more, for not everything is predictable. When negotiating, as when playing a game, there is no single path to the goal. This is because we cannot foresee all the reactions and actions that others may come up with during the debates. However grand our National Codex Committee's strategies may be, the committee and the authorities must recognize that they will have to grant the delegate some leeway to maneuver around the national position, so that he can remain a party to the negotiation. To assume that everything will go as planned is to believe that negotiations always advance on solid ground, but this is not the case—a single country's intervention can spark a crisis in the negotiating process that will throw our position into disarray.

For this reason, and without belittling anyone's abilities, the delegate needs to have an in-depth knowledge of the issue so as to respond to questions and challenges that go beyond the assessment conducted back home. He/she also needs sound reflexes, a capacity for strategic analysis and the ability to “work the room”, and to time his/her reentry on the scene by requesting the floor again. Negotiators typically develop these skills, and it is in fact a very interesting exercise to see which delegates are successful in applying these tools. For some people, the art of negotiation is an innate component of their personality, while others will have absorbed it from experience and still others will have made a deliberate effort to acquire it. Improvising is nothing more than setting aside our formal instructions and bringing into play all our skills and knowledge to achieve our objective.

8.4. When and Why Should I Communicate with Headquarters?

Delegates do not usually have to communicate with their capital to seek instructions. However, this is an option that must be considered, as in some meetings the situation may reach such a point that the official position must be reviewed with the competent authority. In this case, bear in mind that in some Codex meetings the difference in time zones may make it impossible to reach anybody back home. You should definitely send an e-mail explaining

the situation, noting the time differential, and when the meeting will return to the issue. In an emergency situation, one option to consider is to ask the committee to postpone the decision until the next day so that you can seek new instructions from the capital or have time to examine the topic more closely.

Although uncommon, there are examples of bad play in any negotiating forum. There are delegates who have received threats against their country's exports. Others have been offered an increase in export quotas, and in a few cases there were threats to go over a delegate's head with calls to their authorities at the embassy. In any case, these are exceptional situations that will test the delegate's courage. If you find yourself in one of these situations, remember that it is not you but the other person who was acting dishonestly. Stay calm, stand by your position, and show no fear. Your position will change only if you receive instructions from your authorities.

In critical circumstances and if the time differential is a hindrance, it can be useful to contact your country's local embassy, where professional diplomats may be able to help defuse a situation that to a technical person seems alarming. The mere presence of your embassy's representative may cause a belligerent expert or negotiator to back down.

Finally, in case of doubt and if you cannot get through to headquarters, you will have to take a decision on the alternatives presented to the committee, trusting your own judgment and experience. Remember that other countries may be in the same boat, and if time and the meeting schedule so allow, you should consult with them.

8.5. How Can I Get Help from the Mission?

In contrast to what happens in the SPS committee of the WTO, a country's mission to the WTO in Geneva or to the FAO in Rome plays no part in Codex activities. This probably reflects the fact that only the Commission holds meetings in these two cities, and then only every two years, while all other Codex activities take place in different parts of the world.

Missions become proactive on special occasions, such as when political issues are being handled in the Codex Alimentarius Commission. This is what happened when the European Community wanted to join the

Codex as a full Member. Another example is the election of Codex authorities.

If you are attending sessions of the Codex Commission, it is important to ask that your country's FAO or WHO mission be informed. Missions have natural allies among Member Countries and they can be useful in fulfilling your function. When the foreign office informs the missions of your participation it should also send them the country position documents and the instructions you will be taking to the meeting.

8.6. Language Issues

This is a very important topic to consider when selecting a representative. A mastery of languages is not essential in some international meetings, because there will be simultaneous interpretation in Spanish, French and English. However, in informal meetings for reaching group consensus or in meetings of working groups that are put together during the plenary session to resolve specific issues, the language will generally be English. The same is true for any conference room documents circulated: they will be available only in the original language, and many of them will be incomprehensible to delegates who speak only one language.

If the delegate speaks only one language, it must be recognized that some negotiating options such as informal consultations with delegations speaking other languages will be limited. In this case, greater importance will have to be given to the groundwork that the Codex national coordinator will do before the meeting to line up partners for our proposals.



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