



CODEX CAPSULE 11

Managing National Codex Programs and Developing National Positions

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In this session we will review the way countries may consider managing national codex programs, including the way national positions get developed and reviewed

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Effective Members of Codex, should establish national processes to manage the **development of national positions** on Codex issues of relevance (based on priorities) to their country and, the handling of **written comments** submitted to Codex.

Many countries have a policy for the head delegate to coordinate the development of the national position relevant to the Committee.

There are five common basic steps in the development of a national position:

- 1 Circulate working documents.
 2. Solicit input from stakeholders.
 3. Draft a position.
 4. Obtain national endorsement of the position
- AND finally
5. Where appropriate, submit written comments.

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The First Stage of the process is to Circulate the documents
The Codex Contact Point (CCP) is the focal point for all Codex documentation upon which a national position will be based.

The CCP may proceed as follows:

- receives working document from the Codex Secretariat in Rome
- determines whether written comments are being requested;
- circulates working documents for review and comment;
- refers comments received to the individual responsible for drafting the position.

If written comments are requested, the Codex Contact Point determines also what time frame needs to be established in order for the country to adhere to the deadline for submission of comments and who to involve.

In other words, the deadline that the Codex Contact Point will establish for completion of the national position will not be the same as the deadline contained in the working papers.

The date established by the Codex Contact Point is usually 1 to 2 weeks prior to the deadline in the working papers, to allow sufficient time for any formatting, spell checking and endorsement by the national governance structure of Codex : generally the National Codex Committee.

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The Second Phase is to Solicit Stakeholder Input:

Consultation is a core activity of the CCP

In order to facilitate consultation and avoid overwhelming stakeholders with unwanted documentation, it is the responsibility of the CCP:

to identify which groups are interested in what issues; and to determine the mechanism for consultation.

Let us review an example:

A country, for example, may be actively participating in the work of the **Codex Committee on Fresh Fruits and Vegetables (CCFFV)** and the **Codex Committee on Fats and Oils (CCFO)**. The types of issues considered by these two committees, however, are quite different.

Those industry associations associated with the production, processing, exportation or importation of fresh fruits and vegetables might be very interested in receiving the Codex documents relevant to the CCFFV.

However, it is unlikely they would be interested in documents relevant to the CCFO. Therefore, they should not be sent those documents unless they have asked for them.

On the other hand, for the FAO/WHO Coordinating Committee, both the fresh fruit and vegetable industries and the Vegetable Oil production industry might be interested in all the documentation.

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Countries are free to choose their own national coordination mechanism.

To facilitate the consultation process and to ease some of the workload of the Codex Contact Point, many countries have established a National Codex Committee (NCC) or an equivalent structure.

In some countries, the NCC includes stakeholder groups and could therefore be used for the purpose to organizing consultations on Codex texts.

In others where the NCC is exclusively made of Government officials, consultations, involving stakeholders, would be an extension of the NCC, with the invitation of the relevant stakeholder groups, primarily industry associations but also health professional groups and consumer organizations.

Industry associations tend to be very active in the development of international standards, particularly if the country is a major importer or exporter of food and agri-food products.

Industry groups to be involved in consultations should include not only manufacturer groups, but also importer and exporter organizations.

Slide 6 : why should we develop a draft position

Preparing a national position is a collaborative effort. The first step is to prepare an initial draft.

National positions are prepared for two main purposes:

One : to enable the country delegation to present the position of their country during the relevant Codex meeting;

Two: to form the basis of written comments that will be provided to the Codex Secretariat (or host country secretariat) in response to a request for written comments.

Usually written comments submitted to Codex are in response to a specific Circular letter which highlights a standard or ongoing discussions.

WHO SHOULD PREPARE THE NATIONAL POSITION

An individual with technical expertise on the issue under consideration usually prepares a first draft, and may also serve as the head of delegation to the Codex session for which the position is being prepared.

In preparing the national position, input received as a result of the consultation process, as coordinated by the NCC or the relevant national consultative mechanism, is taken into consideration.

However, the final decision as to the content of a national position rests with the government, so it would be up to the national government to determine how much and to what extent the input received will be reflected in a national position.

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How Do We prepare a National Position

The following are some general criteria that should be taken into account when developing a country position on Codex issues:

Drafting a position is not done in isolation – it should be done in consultation with all interested parties.

- Attempts should be made to understand the history of an agenda item so developing a position can be done within that context. The committee will generally not revisit comments or interventions on issues that it has already discussed, and on which it has taken a decision. – That is why understanding the history of the item is VERY important.**

- When preparing national positions, We need to make sure that they are scientifically sound, and if available and relevant, supported by risk assessment data.
- Positions promoted internationally should be consistent with a country's national policies.

The country's domestic policies (including any pertinent legislation) should be considered when developing a position. However, using domestic requirements as a rationale for promoting a particular position at the international level is not appropriate.

For example, it is not appropriate to state that: "My country supports X because that is what is in our national legislation", as national legislation tends to reflect national concerns.

National positions that are promoted at the international level should be based on considerations with a global application, for example a scientific risk assessment.

The position should reflect as to whether the Codex standard may have an impact on the country's imports / exports, particularly if the country is a major producer, importer or exporter of the food commodity or commodities targeted by the standard.

Then the impact on the country become of a global relevance.

But if the issue is mainly resulting from a difference of the proposed standard with national decisions, it remains the country's responsibility to assess and address this difference based on national consideration after the adoption of the standard

In other words, a national stance should not block work of international relevance .

Slide 8: Endorsement of the National Position

The draft position should be shared again with other interested parties (e.g. other members of the country's delegation if applicable), who provide their final input.

The final version should then receive a final review at an appropriate level of government, so that it can be endorsed as an official country position. In some countries, the National Codex Committee can perform this function.

Due attention should be given to ensuring national agreement and support, as once submitted, it is not common practice to withdraw a national position, and countries should avoid changing the national position unless it is absolutely necessary (e.g. new information is received).

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As a general rule, it is important that a country consider submitting written comments on those issues that have been identified as priority issues during the development of the national position.

It is the function of the Codex Contact Point to submit any written comments to the Codex Secretariat in Rome or the applicable host country secretariat.

Only those comments submitted through the Codex Contact Point will be accepted by the Codex Secretariat as the official country comments.

Let us review the advantages of submitting written comments:

- it helps identifying issues of priority for the country;**
- it facilitates and enhances adequate preparation at national level prior to the Codex meeting ensuring all available national expertise is included;**
- if a country cannot attend a meeting owing to resource limitations or other reasons, it facilitates the tabling of national positions (at the meeting, other countries are able to refer to and support the written comments. If comments have not been submitted, this will not be possible);**
- written comments are circulated by the Codex Secretariat in advance of the meeting – so your national position is shared with all other delegations. This provides the opportunity for other countries to review the position and can thus facilitate the formation of alliances.**

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Although there is no an official format for the preparation of national positions, or for written comments being submitted, there are some basic components that need to be incorporated:

- **name of the committee and identification of the session;**
 - **identification of the agenda item, number and reference documents;**
 - **background information to enable the reader to put the position in context;**
 - **issues and discussion;**
 - **a statement of the national position;**
- and Finally**
- **a rationale for the national position**

A country should have a national position on all or almost all items to be discussed by a Codex Committee or an issue raised by a Circular Letter, but the country usually needs to submit written comments on

a limited number of items, only when necessary and if comments are solicited.

Some useful tips to consider:

When sending written comments to the Codex Secretariat (especially relevant when commenting on a draft Codex text) we need to consider the following:

- **it is not necessary to reproduce long pieces of text where no changes are proposed;**
- **when indicating changes to text use a consistent message, for example underline the new text and strike out for deleted text;**
- **clearly reference in the subject line of the e-mail the content of the message.**

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It is important to make the distinction between:

- **national positions that are intended to be used by the head delegate attending a committee session and not intended to be shared;**
- **written comments intended for submission to the Codex Secretariat in Rome for consideration of a committee.**

The format and the way these positions are prepared may follow a different approach

This can be discussed as part of practical and interactive section of this course.

Another reminder :

Countries are strongly encouraged to send the written comments from the National CCP.

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Let us discuss the importance of developing a National Strategy

National Codex activities can be numerous and can be broad in nature.

They can range from:

- **ensuring your country's effective representation at Codex meetings;**
- **ensuring effective national consultation and communication; and**
- **preparing national positions and written comments.**

An approach being followed by some Codex member countries is to develop a national strategy to guide the country to focus its attention on priority matters and facilitate the preparation of a consistent position on different matters.

A strategic approach can also enable countries to make best use of often limited resources.

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It is useful to have a checklist for the preparation and promotion of national positions at Codex sessions.

The checklist provides guidance to facilitate the use of a structured approach by countries in the preparation and promotion of national positions