

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
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Organization

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FAO/WHO COORDINATING COMMITTEE FOR NORTH AMERICA AND THE SOUTH WEST PACIFIC

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DISCUSSION PAPER ON ADOPTION OF REGIONAL POSITIONS BY THE FAO/WHO COORDINATING COMMITTEE FOR NORTH AMERICA AND THE SOUTH WEST PACIFIC

(Prepared by the United States of America)

INTRODUCTION

Regional positions play a crucial role in the development of international food standards within the framework of the Codex Alimentarius Commission (CAC). This paper explores the mechanisms, advantages, and challenges associated with the use of regional positions in Codex decision-making processes. Drawing on guidance in the Codex Procedural Manual, relevant precedents, and common practices of the FAO/WHO coordinating committees, this analysis underscores the importance of regional positions in fostering inclusivity, balancing diverse interests, and achieving consensus-based outcomes in global food standard-setting.

BACKGROUND

FAO/WHO coordinating committees, as defined in the Codex Procedural Manual, are responsible for coordinating food standards work within their respective regions. They provide a forum for discussing issues of regional importance, developing regional positions, and promoting collaboration among member states.

FAO/WHO coordinating committees for the six Codex regions (Africa, Asia, Europe, Latin America and the Caribbean, Near East, and North America and the South West Pacific) are instrumental in shaping positions on technical and procedural matters. Regional positions are typically developed through extensive consultation among members, facilitated by the Coordinator. These positions reflect the collective interests of the region and often address specific technical, scientific, or trade-related concerns.

The Codex Strategic Plan 2020-2025 encourages inclusivity in this process by ensuring the active participation of all members within a region, particularly developing countries that may face resource constraints in individual advocacy.

Members of the FAO/WHO Coordinating Committee for North America and the South West Pacific (CCNASWP) are a critical part of the Codex Alimentarius Commission (CAC) but due to geographical location, the high cost of travel to participate in Codex technical committees and other constraints, CCNASWP has some of the lowest participation in Codex – both at the Commission and Committee level meetings. This low level of participation is due to unique challenges of Pacific Island Countries who are often unable to participate in Codex meetings, either in person or virtually. Consequently, the views and concerns of the 14 members of CCNASWP are often not fully considered at Codex technical committees or at the Commission.

One potential solution to this challenge is for CCNASWP to adopt regional positions which is common practice for several other regions such as the FAO/WHO Coordinating Committee for Africa (CAFRICA), FAO/WHO Coordinating Committee for Europe (CEURO), and the FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC). These three coordinating committees all adopt regional positions using existing Codex mechanisms based on the procedures currently used by regional committees. Doing so allows the views of members from those regions, including those who may not be physically present, to be taken into account in Codex decisions. Annexes 1 and 2 of this discussion paper provide background and additional context on how these coordinating committees, and in particular, CCLAC, use this mechanism. Currently, we are not aware that the other three coordinating committees (i.e., FAO/WHO Coordinating Committee for Asia (CCASIA), FAO/WHO Coordinating Committee for Near East (CCNE), CCNASWP) adopt regional positions.

Adoption of regional positions ensures that smaller or less-resourced members can influence Codex deliberations by pooling resources and expertise. This approach is particularly valuable and effective for regions with shared agricultural systems, food safety challenges, and/or trade priorities.

By collaborating on regional positions, countries can leverage the scientific expertise and regulatory knowledge within their region. This is aligned with the Codex principle of basing standards on robust scientific evidence, thus broadening expert participation and ensuring regional representation, which ultimately strengthens Codex standards.

While regional positions aim to reflect consensus, achieving unanimity can be challenging due to differing national priorities, political considerations, or economic contexts within a region. It should be noted that regional positions are a general agreement by the members of a region on a given issue. They are not unanimity by all members and a member is free not to join a position.

RECOMMENDATION

CCNASWP is invited to discuss if regional positions would be of benefit to the region, and if so, what type of mechanism would be preferred. CCNASWP could consider adopting the same procedures as other regions or adjusting the procedures to suit the composition of the CCNASWP region.

ANNEX 1**HISTORY OF REGIONAL POSITIONS IN CCLAC**

The 16th Session of the FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC16) (2008) discussed whether a Regional Coordinating Committee (RCC) could adopt regional positions and whether there was a need for the RCC to amend its Terms of Reference.

According to paragraph 9 of the report of the 32nd Session of the Codex Alimentarius Commission (CAC32, 2009) under Matters Arising from the CAC and Other Subsidiary Bodies (Agenda Item 2), Terms of reference of the Coordinating Committees: “After some discussion, the Committee decided to request the Commission, through the 25th Session of the Committee on General Principles (CCGP25), to clarify whether the current terms of reference for the Coordinating Committees could be interpreted to give them full freedom to issue regional opinions on all themes under discussion in Codex of strategic importance to the region concerned.”

In the meeting report from CCGP25 (2009) it states that when considering the Terms of Reference of FAO/WHO Coordinating Committees, “the Committee noted the specific request from the CCLAC to clarify whether the current terms of reference for the Coordinating Committees could be interpreted to give them full freedom to issue regional opinions on all themes under discussion in Codex of strategic importance to the region concerned.” (ALINORM 09/32/33, para. 101)

The CCGP25 Meeting Report continues with the following: “[the Codex] Secretariat clarified that in addition to the present Terms of Reference of Coordinating Committee, bullet (iii) of paragraph 3 of Rule IV of the Rules of Procedure also conferred the Coordinators the function to advise the Executive Committee and the Commission of the view of countries of the respective region...therefore, there was no need to modify the Terms of Reference.” (ALINORM 09/32/33, paras. 102-103)

CCLAC17 (2010) recalled that CCGP25 “confirmed that the current terms of reference of FAO/WHO Coordinating Committees granted them complete freedom to issue regional opinions on all topics under discussion in Codex that were of strategic importance to the region concerned and to promote the adoption of regional positions on strategic topics.” (REP11/LAC, para. 145)

In addition, CCLAC17 “agreed to establish an electronic working group, led by Costa Rica and working in English and Spanish, that would prepare a discussion paper on proposed procedures for drawing up regional positions, elements that needed to be considered, the scope of regional positions, etc., for consideration at the next session of the Committee. The following countries expressed their interest in participating in this work: Argentina, Colombia, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay and Uruguay.” (REP11/LAC, para. 146)

**CCLAC PROCEDURES FOR REGIONAL POSITIONS
(REP13/LAC PARAGRAPH 133 AFTER CONCLUSION)****2. Achievement of Agreements**

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

2.1 Procedure to Reach and Present Regional Positions

In accordance with the *Codex Procedural Manual* (Section I, Basic Texts and Definitions, Rules of Procedure of the Codex Alimentarius Commission, Rule IV Coordinators, point 3 (c)) and the Terms of Reference of Codex Coordinating Committees (Section V, Structure and Sessions, Terms of Reference of FAO/WHO Coordinating Committees, point (g)), regional positions will be considered only those agreements which have been taken in plenary (official) sessions of the CCLAC and must be clearly recorded in the report of the session, indicating the number of countries present at the session. The following should be complied with to achieve and present regional positions:

- a) Initially, the Regional Coordinator reports to member countries of the region on those issues identified as being of regional interest and verifies if they are on the agenda, if the matter of interest is not included in the agenda, the Regional Coordinator will provide for their inclusion in the agenda of the next CCLAC session under the heading "Issues relevant to the region".
- b) The proponent countries will develop a document providing the basis for discussion by member countries present at the CCLAC session in order to reach a regional agreement by consensus.
- c) This agreement represents the position of the CCLAC taken by consensus among members of the region present at the plenary session of this Committee.
- d) The agreement, once taken, will be presented by the Regional Coordinator to the respective Codex subsidiary body together with any reservation presented by any country regarding this agreement. If the Coordinator cannot attend the meeting, a country submitting the agreement should be designated.
- e) Once the position has been introduced in the meeting of the relevant Codex committee by the country named in point 2.1(d), the other countries of the CCLAC that have supported the position in the CCLAC meeting should support the position in the meeting of the relevant Codex committee. Countries of the CCLAC that were not present at the meeting may also support this position.
- f) A CCLAC member that cannot participate in the meeting of the relevant Codex committee should make an effort to have a representative of their embassy participate in the meeting to support the regional position.

2.2 Procedure for support on issues of interest

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

- a) Develop a document, which will be enriched by electronic means in order to harmonize it.
- b) Circulate the document to all members of the CCLAC through the CCLAC Coordinator with a deadline for comments in order to finalize the document.
- c) One country submits the document to the Codex Secretariat, listing in the title the countries that participated in its elaboration therefore supporting the views or positions expressed in the document.
- d) The agreement, once taken, can be presented by one of the drafting countries to the respective Codex subsidiary body.

This procedure applies to documents like CRDs, discussion papers, or any other document for discussion on topics of interest. In the case of responses to documents sent by the Codex Secretariat requesting comments at different steps in the Codex procedure, comments should be sent by each country concerned.