

**Request for Input to the Development of Practical Guidance for Codex Subsidiary Bodies and their chairpersons on the operationalisation of the *Statements of Principle Concerning the Role of Science A: Practical guidance***

29/11/2019 final

**Question 1:** Is there any specific type or form of output that you expect? How might we best ensure outputs are effective, in terms of providing useful guidance for the operationalization of the Statements? Please elaborate.

**At the start of this Sub-Committee (SC), we would prefer the work to focus on the content of the practical guidance rather than on the type or form of any output.**

**However, in order to ensure effective outputs, it is of utmost importance that any guidance is not only clear in content but also easily accessible for all members and stakeholders.**

**Since members are looking for guidance in the PM we would prefer clarifications in or additions to the PM rather than additions to “informal” guidance such as the handbook for Chairpersons or text in a CAC-report (this type of complementary guidance is not readily available to delegates and is more likely to be overlooked in particular for future delegates).**

**It is also important to ensure transparent and inclusive processes in developing any guidance. This circular letter serves as a useful step into that direction.**

**As suggested by CRD 9 of CCEURO31, the SC could explore how members and chairpersons can be guided better in using options already used and/or provided for in the PM (following the indications of where guidance may be helpful as provided in the conclusions of CC/EXEC 19/77/10).**

**B: Questions on operationalization of the statements**

**Question 2:** In your experience with Codex meetings, have you observed situations in which the Statements have been successfully applied? Please describe the situation and actions taken especially also the role of the Delegates, the Chairperson and the Secretariat. Please also mention if any additional new or existing procedure-s, guidance or techniques were used that were helpful.

**As indicated in section 5.2.1 of CX/EXEC 19/77/10, there is no evidence that Statement 4 has been explicitly invoked in Codex until now. To our knowledge, the same applies to the other Statements. Nonetheless, the other tools and means set out in section 5 of CX/EXEC 19/77/10 are an integral part of the current Codex practice and have proved their value in facilitating effective and consensus-based decision-making in Codex.**

**Question 3:** Have you observed situations, in which the Statements could, in your opinion, have been applied, but were not applied. What were the reasons? What new or existing guidance or procedure would have helped the Delegates, Chairperson and the Secretariat to do so?

**Appendix 1 of CX/EXEC 19/77/10 provides an overview of the situations that led to the elaboration of the Statements and where Statement 4 could have been applied. A review of the handling of these situations in relation to existing procedures and existing guidance for reaching consensus-based decisions in Codex could provide valuable input for the development of further guidance.**

**Question 4:** What are in your view the situations when the statements can be usefully applied?

**The objective of the current work is to identify situations where the statements could be usefully applied and whether guidance is needed for their application.**

**Question 5:** What are situations where the Statements cannot be applied and what are the other options that could be applied in this case (this can be options mentioned in the Secretariat paper or other options).

**See our reply to question 4.**

#### **C: Questions on a Complement to the guidance on facilitating consensus**

**Question 6:** Do Chairpersons have sufficient guidance on how to facilitate consensus? What are the lessons learned from the existing guidance? What further guidance, procedure or training could be useful?

**We would like to underline that it is not only chairpersons who need guidance but also members and stakeholders. Codex is a member driven organization and without the help of delegations, a chair will have problems no matter what guidance is given. Codex needs transparent guidance and knowledge of tools and ways forward in order to help the chair to find good ways of reaching consensus.**

**Question 7:** Do Chairpersons have sufficient guidance on when consensus has been reached and when all efforts to reach consensus have failed?

**See our reply to question 6.**

**Question 8:** Is there a need to link the Statements with existing Codex guidance on consensus?

**It would be useful to develop considerations on the interface between the Statements and the guidance on consensus in the Procedural Manual.**

**Question 9:** What are your ideas about efficient ways to facilitate advancement of standards particularly on complex issues.

**Prevention is better than cure. This means that in the critical review of new work proposals more attention should be paid to the criterion "amenability to standardisation". This in order to avoid situations where new work is launched on items for which it is known in advance that it will be difficult/impossible to achieve consensus.**

#### **D: Any other comments**

**Question 10:** Any other comments or suggestions for consideration by the sub-committee in the development of practical guidance for operationalisation of the Statements.

As stated in para. 3 of the CL, the focus of this round of consultations is on scoping around the three main elements in the TOR, namely: “practical guidance”; “operationalisation of the statements”; and “complement to the guidance on facilitating consensus”.

With regard to scoping “operationalisation of the statements” we share the view of the Codex Secretariat that “the issue in question is closely related to how Codex takes decisions and how it can reconcile or acknowledge different opinions, considerations and positions of members on complex topics which may go beyond the mandate of Codex, while also being mindful of the need to set standards based on science in a timely manner...” (para 1.5 of CX7EXEC 19/77/10).

In our view, this close relation to how Codex takes decisions makes it very clear that the SoP and the measures to facilitate consensus do not exist in isolation. Therefore, we would see great value in looking at what guidance could be useful to improve the effective operation of the Step Procedure.

The conclusions set out in section 6 of CCEXEC 19/77/10 provide a very useful basis for the subcommittee's work. The subcommittee could, for each of the procedural means and tools set out in section 6 of that paper assess the views and suggestions put forward by the Codex Secretariat.

An overview/stock-taking of what criteria, if any, already exist for the application of each of these tools could be a helpful starting point. The overview could also look at past efforts to build consensus (such as the “friends of the chair” and facilitated sessions).

Following such a stock-taking, the sub-committee should consider working on how to allow Codex to set standards that are needed by members while acknowledging different situations in different areas of the world, by discussing

- criteria for declaring a subject matter as not amenable to standardization
- criteria for not approving new work or when to discontinue an approved project
- criteria for building differences of application into the text
- criteria for standards held in the step process
- criteria for the amount of time that is reasonable for developing a standard.

CCEXEC 19/77/10 also provides useful indications of where further guidance may be helpful. Other actions that contribute to consensus building, such as redefinition of the subject matter or the development of adequate compromises, are used on a regular basis in Codex work. Each of these elements could be considered by the sub-committee.