

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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APPLICATIONS FROM INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS
FOR OBSERVER STATUS WITH CODEX

(Prepared by the Codex Secretariat in collaboration with FAO and WHO)

1. Introduction

1.1 The Codex Alimentarius Commission collaborates with a wide range of non-governmental organizations (NGOs) to secure expert information, advice and assistance and to “enable organizations which represent important sections of public opinion and are authorities in their fields of professional and technical competence to express the views of their members and to play an appropriate role in ensuring the harmonizing of inter-sectoral interests among the various sectoral bodies concerned in a country, regional or global setting”¹.

2. Rules and procedures governing observer status with Codex

2.1 Collaboration between Codex and NGOs is regulated by the Codex Procedural Manual (PM) under Section VII: Relations with other organizations, *Principles Concerning the Participation of International Non-Governmental Organizations in The Work of the Codex Alimentarius Commission* (Principles), which in paragraph 3, “Organizations Eligible for Observer Status”, establishes the criteria to obtain the Observer Status with Codex. Due to the joint nature of Codex, collaboration between Codex and NGOs is also subject to the rules included in the relevant texts of the two parent organizations, FAO and WHO.

2.2 Among them, in May 2016, the Health Assembly adopted the *Framework of Engagement with non-State actors* (FENSA)², which governs engagement of WHO with non-State actors. Its overall goal is to strengthen the engagement of WHO with non-State actors while preserving its integrity, reputation, mandate and work. FENSA recognizes that “[t]he Codex Alimentarius Commission is an intergovernmental body which is the principal organ of the joint FAO/WHO food standards programme for which the administration is not solely provided by WHO. The Commission is supported by subsidiary bodies including Codex committees, regional coordinating committees and task forces. Meetings of the Commission, Committees, including independent expert committees, and Task Forces are regulated by the Rules of Procedure and other decisions adopted by the Codex Alimentarius Commission”³.

2.3 In December 2020, FAO adopted the *FAO’s Strategy for Private Sector Engagement (2021-2025)* (the “Strategy”)⁴. The Strategy seeks to “promote a more proactive and catalytic role for the Organization in support of its Membership by setting out the path towards more innovative partnerships with the private sector”. The Strategy considers the private sector to encompass a broad array of entities, from farmers, fishers, foresters, livestock herders, and micro-, small and medium-sized enterprises (MSMEs) to large firms, both domestic and multinational companies, and philanthropic foundations. It also takes account of industry and trade associations and consortia that represent private sector interests. Any consortium, organization or foundation largely funded or governed by private entities would be considered private sector, as well as state-owned enterprises (SOEs).

¹ Section VII: Relations with other organizations, *Principles Concerning the Participation of International Non-Governmental Organizations in The Work of the Codex Alimentarius Commission*, Purpose.

² https://apps.who.int/gb/ebwha/pdf_files/wha69/a69_r10-en.pdf

³ Framework of engagement with non-State actors, paragraph 49 (a) (ii), footnote 4.

⁴ <https://www.fao.org/3/cb3352en/cb3352en.pdf>

3. Process for review of applications for observer status

3.1 The Codex Secretariat and the WHO and FAO Secretariats review the applications of NGOs for Observer Status with Codex against the criteria set forth in the PM and the relevant texts of both organizations to ensure that i) applications meet such criteria and other relevant rules of FAO and WHO are respected; ii) the applicants would contribute to the mandate and goals of the Codex Alimentarius Commission; and iii) the integrity and reputation of Codex, FAO and WHO is maintained.

3.2 The application of the new FAO Strategy has led to the realisation that several NGOs applying for Observer Status with Codex, comprise in their membership entities that could be considered as private sector entities pursuant to the Strategy. Thus, further clarity on the interpretation of the FAO Strategy in the context of NGO Observers in Codex is needed.

4. Conclusion

4.1 While the criteria established in the PM and the application of the FENSA to Codex appear to be clear, consultations are still ongoing regarding the interpretation of the Strategy and how it would apply to Codex. Applications received during this interim period would therefore remain on hold until there is further clarity on this. The Codex Secretariat will keep CCEXEC informed of developments.