



## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX ALIMENTARIUS COMMISSION

#### 39<sup>th</sup> Session

FAO Headquarters, Rome, Italy, 27 June - 1 July 2016

### RELATIONS BETWEEN FAO AND WHO POLICIES, STRATEGIES AND GUIDELINES AND CODEX WORK<sup>1</sup>

(Prepared by FAO and WHO)

#### Introduction

1. The 38<sup>th</sup> Session of the Commission, when considering the adoption at Step 8 of the General Principles for the Addition of Essential Nutrients to Foods, took note of the reservations expressed by delegations on section 3.3.2 that the Codex should support the implementation of relevant WHO guidelines and global strategies to protect public health. The Representative of WHO informed the Commission that FAO/WHO were examining the issue of how best and in what way Codex could support or interact with the policies, strategies and guidelines of FAO/WHO and that resulting recommendations would be presented to the Commission at its next session through the Executive Committee as appropriate.<sup>2</sup>

2. This document recapitulates the provisions on the relations between FAO/WHO and the Codex Alimentarius Commission as seen in the Statutes and Rules of Procedure (paras 3-5), recalls some examples of interactions between FAO/WHO and Codex in recent years (para. 6) and provides a brief analysis of the experiences gained in those examples (paras 7-13), and, in conclusion, suggests a way forward.

#### Relations between FAO/WHO and the Commission as defined in Codex Statutes and Rules of Procedure

3. The Codex Alimentarius Commission was established by Resolution 12/61 of the FAO Conference in November 1961 and Resolution WHA16.42 of the World Health Assembly in May 1963. As the executive organ of the Joint FAO/WHO Food Standards Programme, the Commission is a joint body of FAO and of WHO. As far as FAO is concerned, the Commission is one of the bodies that fall under Article VI of the FAO Constitution.

4. The Statutes of the Codex Alimentarius Commission entered into force after adoption by the FAO Conference and by the World Health Assembly and were subsequently revised by the same in 1966 and 2006.<sup>3</sup>

5. In accordance with Article 8 of the Statutes, the Commission adopted its Rules of Procedure, which were amended several times.<sup>4</sup>

<sup>1</sup> This document has been also included in the agenda of CCEXEC71 as document CX/EXEC 16/71/13

<sup>2</sup> REP 15/CAC paras 25-26.

<sup>3</sup> The Statutes state that the Commission shall, [...] be responsible for making proposals to, and shall be consulted by, the Directors-General of the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO) on all matters pertaining to the implementation of the Joint FAO/WHO Food Standards Programme (Article 1), that the Commission shall report and make recommendations to the Conference of FAO and the appropriate body of WHO through their respective Directors-General (Article 5), among others.

<sup>4</sup> The Rules of Procedure of the Commission states that the sessions of the Commission shall be convened and the place of the meeting shall be determined by the Directors-General of FAO and WHO (Rule VI.4), that [t]he Directors-General of FAO and WHO [...] shall prepare a Provisional Agenda for each session of the Commission (Rule VII.1), that no items included in the Agenda by the governing bodies or the Directors-General of FAO and WHO shall be deleted therefrom (Rule VII.6), that recommendations of the Commission having policy, programme or financial implications for FAO and/or WHO shall be brought by the Directors-General to the attention of the governing bodies of FAO and/or WHO for appropriate action (Rule X.3), and that the Directors-General of FAO and WHO may request Members of the Commission to supply the Commission with information on action taken on the basis of recommendations made by the Commission (Rule X.4). Furthermore, the Rules of Procedures and the amendments thereto come into force upon approval by the Directors-General of FAO and WHO, subject to such confirmation as may be prescribed by the procedures of the two Organizations.

## Examples of interaction between FAO/WHO and Codex

6. Examples that are set out in the Annex to this document were identified in a non-exhaustive way from the past and ongoing work of the Commission in which issues related to the interaction between the work of Codex on one hand, and the policies, strategies and guidelines of FAO and/or WHO on the other, have been observed. These examples are described in the Annex to this document. They are neither meant to be discussed in substance at the present session nor to propose any interpretation, by FAO and WHO, of the existing rules that govern FAO, WHO or Codex. They are meant to provide points for consideration.

### Analysis

7. FAO and WHO, as specialized agencies of the United Nations, are mandated to set policies, strategies and guidelines in the areas of food and agriculture, and public health, respectively. The Commission has the mandate to set internationally agreed food standards that serve to protect consumer health and ensuring fair practices in food trade. All Members of the Commission are the Member States or Member Organization of FAO and/or WHO and are consequently the “makers” of both Codex standards, guidelines and recommendations and the policies, strategies and guidelines of FAO and WHO. Some of the normative work of FAO and WHO is interrelated with the standard setting function of the Codex Commission, and it is in the interest of FAO and WHO Member countries that there be effective and efficient communication to ensure informed decision making in its standard setting work. This would include the Commission having information of relevant FAO and WHO policies.

8. In the examples identified, different routes and means of communication between the Codex system and WHO/FAO have been used. Ideally, the Commission is expected to maintain two-way communication with the governing bodies of FAO and WHO through the FAO/WHO/Codex secretariats, to ensure synergies and complementarity between each other’s work. Insufficient communication, or lack of a systematic approach to communication, between these bodies may lead to delays in Codex considering policy priorities indicated by FAO/WHO or may result in Codex setting standards without having been adequately informed of the policies, strategies or guidelines of FAO and WHO.

9. Sometimes the Commission was not informed, in a timely manner, of the policies, strategies or guidelines under development or finalization in FAO/WHO. Information gaps may also be due to insufficient communication between the national Codex Contact Point and the international affairs units responsible for FAO/WHO work in a country. Inadequate stakeholder consultation at national level in developing positions on Codex issues could also affect coherence in national-level decision-making. These challenges could be overcome by enhancing communication both at national and international levels. The recent handling of AMR (outlined in Example F of the attached annex) demonstrates that well-timed and purposeful interactions between FAO/WHO and the Commission can facilitate accelerated consideration of priority FAO/WHO policies within the Codex system.

10. The Codex Alimentarius Commission has a huge potential to support or contribute to the implementation of the policies, strategies and guidelines of FAO/WHO through the development of international food standards. In fact, the World Health Assembly and other FAO/WHO conferences<sup>5</sup> have called on the Codex Alimentarius Commission to work on several specific areas to contribute to the priority areas identified by these global intergovernmental conferences convened by FAO and WHO.

11. This being said, the governing bodies of FAO and WHO should not overload the Commission. When inviting the Commission to start new work to support the policies, strategies or guidelines of FAO/WHO, a clear scope should be defined and guidance provided. Any new work suggested should be consistent with the Commission’s six-year strategy and be feasible within a reasonable timeframe and available resources.

12. Existing provisions in the Codex Statutes and Rules of Procedure open the way for FAO/WHO to keep the Commission informed in a number of ways. For example, FAO/WHO may propose items for inclusion in the Provisional Agenda for each Codex Session. Items arising from FAO and WHO are standing items in the agenda of the Commission and of a number of general subject committees<sup>6</sup>. FAO/WHO can prepare discussion papers or conference room documents to draw attention to specific issues, make proposals and to inform discussions at any sessions. Some of these provisions have been unused and may have the potential to improve communication on relevant policy issues.

13. Further consideration could be given to the pivotal role that the Executive Committee of the Codex Alimentarius Commission could play, through the conduct of a Critical Review, in ensuring consideration of relevant policies of FAO and WHO.

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<sup>5</sup> Examples are the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade (1991), the International Conference on Nutrition (1992), and the Second International Conference on Nutrition (2014).

<sup>6</sup> Codex Committees on Food Hygiene, on Contaminants in Foods, on Food Additives, on Residues of Veterinary Drugs in Foods, on Pesticide Residues, and on Nutrition and Food for Special Dietary Uses

**Conclusion**

14. Under the guidance of their governing bodies, FAO and WHO set policies, strategies and guidelines in their respective areas of mandate. Given that the membership of Codex is almost identical to the membership of FAO and WHO, the Commission is invited to note the importance of ensuring that all relevant policies, strategies and guidelines of FAO/WHO receive appropriate consideration in the work of Codex.

15. Should the Commission so wish, FAO and WHO will prepare possible ways forward for consideration at the next session of the Executive Committee. These may include draft “best practices” to promote a dialogue between the Codex Alimentarius Commission and the governing bodies and/or Directors-General of FAO and WHO, as well as possible amendments to the Procedural Manual to allow the Commission to take informed decisions in the light of the existing policies, strategies and guidelines of FAO and WHO, notably within the Critical Review process.

## **Annex. Examples of interaction between FAO/WHO and Codex**

### Example A: WHO Global Strategy on Diet, Physical Activity and Health (DPAS)

A1. The World Health Assembly (WHA) adopted the Global Strategy on Diet, Physical Activity and Health in May 2004 (WHA57.17). The Resolution requested Codex to consider action it could take to improve health standards of foods to support the implementation of DPAS.

A2. WHO informed the 55<sup>th</sup> Session of the Executive Committee (CCEXEC) held in February 2005 of the adoption of DPAS which underlined the importance of Codex standards for member countries, especially as regards nutrition and labelling, in order to provide better information to consumers. The 55<sup>th</sup> CCEXEC then requested WHO, in cooperation with FAO, to prepare a document highlighting the action that could be taken by Codex for consideration at the 28<sup>th</sup> Session of the Commission in July 2005.

A3. Documents highlighting the work and activities that could be undertaken by Codex, in particular by the Committees on Food Labelling (CCFL) and on Nutrition and Foods for Special Dietary Uses (CCNFSDU), to facilitate the implementation of DPAS were prepared and discussed at the 28<sup>th</sup> and 29<sup>th</sup> Sessions of the Commission. The 29<sup>th</sup> Session of the Commission then requested CCFL and CCNFSDU to review the proposed actions at their sessions in 2007 (35<sup>th</sup> CCFL) and in 2006 (28<sup>th</sup> CCNFSDU) respectively.

A4. The 30<sup>th</sup> Session of the Commission reviewed the outcomes of the discussions at the 35<sup>th</sup> CCFL and 28<sup>th</sup> CCNFSDU. In 2008, the 31<sup>st</sup> Session of the Commission approved initiation of new work to revise the Guidelines on Nutrition Labelling (CAC/GL 2-1985) by CCFL (N16-2008) to implement DPAS and in 2010, the 33<sup>rd</sup> Session of the Commission approved initiation of new work to establish Nutrient Reference values (NRVs) for Nutrients Associated with Risk of Diet-related Non-communicable Diseases for the General Population by CCNFSDU (N04-2010) and by CCFL (N12-2010) to implement the DPAS.

A5. CCFL completed work directly triggered by DPAS by its 36<sup>th</sup> Session in May 2013 while the work of CCNFSDU continues. In fact, the work related to support the implementation of DPAS has become one of CCNFSDU's routine areas of work.

### Example B: WHO Guidelines for Drinking-Water Quality

B1. WHO produces international norms on water quality and human health in the form of guidelines that are used as the basis for regulation and standard setting, in developing and developed countries world-wide. The second edition of Guidelines for Drinking-Water Quality was published in 1993. The Codex Standard for Natural Mineral Waters was revised subsequently in order to align with the WHO guidelines.

B2. The third edition of Guidelines for Drinking-Water Quality was published in 2004 and triggered the revision of the Codex standard. The 8<sup>th</sup> Session of the Codex Committee on Natural Mineral Waters (February 2008) adopted the levels of many chemicals at the same level as those in the WHO guidelines (arsenic, barium, cadmium, chromium, cyanide, lead, manganese, nickel, selenium) but adopted for other chemicals the levels that were lower (antimony, copper, mercury, nitrite) or higher than in the WHO guidelines (boron). The Committee did not set any level for fluoride while the WHO guidelines had one.

B3. The fourth edition of Guidelines for Drinking-Water Quality was published in 2011, with a revised guideline values for boron, and some guidelines values withdrawn and in some cases, changed to health-based values<sup>7</sup>. No action has however been taken so far in Codex to amend the Codex standard for natural mineral waters. Further the first addendum of the fourth edition is anticipated to be published later in 2016, with one likely amendment to change the guideline value for barium.

### Example C: WHO's infant and young child feeding recommendations including the International Code of Marketing of Breast-milk Substitutes (1981) and subsequent World Health Assembly resolutions, and the Global Strategy for Infant and Young Child Feeding (2003)

C1. WHO recommends that infants be exclusively breastfed for the first six months of life to achieve optimal growth, development and health, and that mothers should continue to breastfeed their children beyond the age of six months, until they are two years of age or older, at the same time providing them with safe and appropriate complementary foods to meet their evolving nutritional requirements.<sup>8</sup>

<sup>7</sup> For some chemicals, a health-based value rather than a formal guideline value is proposed. Reasons include when occurrence is only at concentrations well below those that would be of concern for health. For manganese, the guideline value was changed to a health-based value since aesthetic as well as health aspects should be considered in the setting of national standards and regulations and confirming the acceptability of drinking-water.

<sup>8</sup> WHO/UNICEF. Global Strategy for Infant and Young Child Feeding, Geneva, World Health Organization, 2003.

C2. In 1986, WHA adopted a resolution (WHA 39.28), which stated that “the practice being introduced in some countries of providing infants with specially formulated milks (so-called ‘follow-up milks’) is not necessary”.

C3. In 1987, the Commission defined follow-up formula – or follow-on milk – as “a food intended for use as a liquid part of the weaning diet for the infant from the 6th month on and for young children.”<sup>9</sup> However, WHO maintains that breast milk remains the most appropriate liquid part of a progressively diversified diet for the vast majority of children between 6 and 24 months of age, once complementary feeding has begun. Moreover, for those children who, for various reasons, are not breastfed, or for whom breastfeeding will stop before the recommended duration of two years or beyond, acceptable milk sources exist. WHO further maintains that as well as being unnecessary, follow-up formula is unsuitable when used as a breast-milk replacement from six months of age onwards.

C4. The Codex Standard for Follow-Up Formula (CODEX STAN 156-1987) was adopted by the Commission at its 17<sup>th</sup> Session in 1987. An amendment to the Labelling Section was adopted in 1989 by the 18<sup>th</sup> Session. In July 2013, the 36<sup>th</sup> Session of the Commission agreed to initiate a further review of the existing Standard for Follow-up Formula.

C5. When the further amendment to the existing Codex Standard for Follow-up Formula was proposed, WHO stated that WHA resolutions should guide and inform the work undertaken by Codex, so as to ensure policy coherence across various intergovernmental bodies of FAO and WHO. In this context, for the revision of the existing Standard, WHO had request the Codex Committee to include some language in the revised standard which adequately reflects the resolution WHA39.28.

C6. In 2010, WHA adopted Resolution WHA63.23 which stated that the promotion of breast-milk substitutes and some commercial foods for infants and young children undermines progress in optimal infant and young child feeding, and called upon the infant food manufacturers and distributors to comply fully with their responsibilities under the International Code of Marketing of Breast-milk Substitutes and subsequent relevant WHA resolutions.

C7. The continuing, inappropriate marketing practices for follow-up formula are undermining both exclusive and continued breastfeeding in many industrialized and developing countries. In 2012, as part of the efforts in putting into practice the comprehensive implementation plan on maternal, infant and young child nutrition, the 65<sup>th</sup> WHA, through Resolution WHA65.6, requested the Director-General of WHO to provide clarification and guidance on the inappropriate promotion of foods for infants and young children cited in Resolution WHA63.23. Accordingly the work was carried out by WHO and the Guidance on ending the inappropriate promotion of foods for infants and young children has been submitted to the 69<sup>th</sup> WHA in May 2016 for consideration as requested by WHA decision WHA67(9).

C8. In the planned revision of the current Codex Standard for Follow-up Formula, WHO would request CCNFSDU to include provisions on necessary regulatory measures to avoid inappropriate marketing of follow-up formula, not only through necessary labelling requirements, but in line with the marketing restrictions on breast-milk substitutes, as reflected in the International Code and also to reflect the recommendations delineated in the Guidance document submitted to the 69<sup>th</sup> WHA.

#### Example D: WHO Global Strategy to Reduce the Harmful Use of Alcohol

D1. The global strategy to reduce the harmful use of alcohol<sup>10</sup>, endorsed by the 63<sup>rd</sup> World Health Assembly in 2010, recognizes the close links between the harmful use of alcohol and socioeconomic development. The strategy identified a number of policy options and interventions in the areas of marketing of alcoholic beverages and reducing the negative consequences of drinking and alcohol intoxication, including marketing restrictions, labelling, quality control, warning about contaminants.

D2. The 19<sup>th</sup> Session of the FAO/WHO coordinating Committee for Asia had before it a proposal to develop a regional standard for makgeolli, a fermented beverage containing a small amount of alcohol, but could not reach a conclusion on the proposal (REP15/ASIA paras 104-111). If the Commission decides to develop this standard, it would be the first commodity standard for an alcoholic beverage. A proposal will be discussed at the next session of CCASIA.

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<sup>9</sup> Codex Standard for Follow-Up Formula, CODEX STAN 156-1987. The Codex Standard for Follow-Up Formula was adopted by the Codex Alimentarius Commission at its 17<sup>th</sup> Session in 1987. An amendment to the Labelling Section was adopted in 1989 by the 18<sup>th</sup> Session. In July 2013, the 36<sup>th</sup> Session of the Codex Alimentarius Commission agreed to initiate a further review of the existing Standard for Follow-up Formula (CODEX STAN 156-1987).

<sup>10</sup> [http://www.who.int/substance\\_abuse/msbalcstrategy.pdf](http://www.who.int/substance_abuse/msbalcstrategy.pdf)

Example E: Assessment of the risk of hepatotoxicity with kava products

E1. In 2006, the 9<sup>th</sup> Session of CCNASWP considered proposals regarding the development of standards for kava beverages and for dried kava products.

E2. In 2010, at the 10<sup>th</sup> Session of CCNASWP, WHO reported on an assessment of risk of hepatotoxicity associated with several substances in kava products<sup>11</sup>, and drew the attention to the need to apply appropriate measures to prevent adverse health effects. WHO also considered that it was premature to treat kava as a food due to the effects attributed to its pharmacological properties.

E3. In 2012, the 11<sup>th</sup> Session of CCNASWP agreed to focus on the development of a regional standard for kava as a dried product that can be used as a beverage when mixed with water, and agreed to work with FAO and WHO to review existing scientific information and identify data gaps.

E4. In 2014, WHO and FAO prepared a scientific report on Kava when used as recreational beverage which reviews potential toxicity and provides recommendations. The report was presented at the 12<sup>th</sup> CCNASWP and will be used as a basis for further discussions on a regional standard. A proposal will be discussed at the next session of CCNASWP.

Example F: WHO Global Plan of Action on Antimicrobial Resistance and FAO Resolution on Antimicrobial Resistance

F1. The WHO Global Action Plan (GAP) on Antimicrobial Resistance was developed between May and December 2014 in consultation with Member States and in collaboration with FAO and OIE, before its final adoption at the 68<sup>th</sup> WHA in May 2015 (WHA68.7)<sup>12</sup>.

F2. In June 2015, the 39<sup>th</sup> Session of the FAO Conference adopted Resolution 4/2015 which was a call to action to both FAO members and the Organization itself to address the multifaceted aspects of mitigating both the impact on, and contribution of the food and agriculture sector to the threat posed by AMR to public health and food safety. The Resolution also called for FAO to support the implementation of the WHO GAP.

F3. To expedite consideration of AMR by Codex, FAO/WHO presented the issue to CCEXEC70 (2015) which provided guidance on follow-up action that could be taken before CAC39 on some relevant items. Based on the recommendation of CCEXEC, the Codex Secretariat, in collaboration with FAO and WHO, issued a circular letter, seeking, among other things, the views of Members on the need to review existing Codex texts dealing with AMR. An analysis of the responses of Codex members and proposals as appropriate will be presented to the Commission in June 2016 for a decision on the need for new work. FAO and WHO have invested much effort in advocacy at global and country levels on the importance of combatting the problem of antimicrobial resistance.

Example G: Reducing Food Loss and Waste

G1. FAO is spearheading a global Programme on Food Loss and Waste as a key element supporting sustainable food systems, efficiency of markets and food security which are strategic objectives of the Organization. The 2015 FAO Conference endorsed the recommendations of the 41<sup>st</sup> Session of the Committee on World Food Security which underlined the importance of reducing food loss and food waste and called on FAO and CFS members to implement actions aimed at achieving this. Date marking has been identified as an issue contributing significantly to the phenomenon of food waste.

G2. FAO has been participating in Codex discussions on this issue. In consultation with the Codex Secretariat and with the Chair of CCFL, FAO has designed a survey to gather information that would clarify the situation regarding date-marking policies at national level, their implementation and impact which should inform ongoing discussions at international level and decisions at national level. FAO is in the process of implementing assessments of food loss and waste at country level. The Organizations' participation in the discussions of CCFL will enable sharing insights from these assessments as appropriate. The country level work also facilitates informed engagement of Codex member countries in the CCFL work.

<sup>11</sup> [http://apps.who.int/iris/bitstream/10665/43630/1/9789241595261\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/43630/1/9789241595261_eng.pdf)

<sup>12</sup> [http://apps.who.int/gb/ebwha/pdf\\_files/WHA68-REC1/A68\\_R1\\_REC1-en.pdf#page=27](http://apps.who.int/gb/ebwha/pdf_files/WHA68-REC1/A68_R1_REC1-en.pdf#page=27)

Example H: Sustainable Fisheries and “blue growth”

H1. Sustainable Fisheries and the successful engagement of developing countries in international trade in fish and fisheries products are critical aspects of FAO’s work. The FAO Committee on Fisheries (COFI) is the Governing Body advising FAO Council and Conference on issues related to the Fisheries Sector. Given the importance of fish trade, FAO has created a COFI Sub-Committee on fish trade, which meets every 2 years and discusses, among other things, seafood safety issues for consumer protection and for market access to ensure that seafood safety requirements provide the level of protection deemed necessary by Codex and do not constitute disguised technical barriers to trade.

H2. FAO routinely reports to COFI on relevant issues under consideration in Codex and FAO has participated consistently in the work of CCFFP and other Committees working on issues relevant to the sector. This has facilitated good three-way communication among Codex, FAO and FAO Member countries and consistency between FAO policies and Codex work.