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# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



JOINT OFFICE: Viale delle Terme di Caracalla 00153 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

Agenda Item 7 (b)

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

*Sixtieth Session, FAO Headquarters, Rome, Italy, 4-7 December 2007*

#### RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL ORGANIZATIONS

##### Review of International Non Governmental Organizations in Observer Status

#### BACKGROUND

1. In July 2007, the Thirtieth Session of the Codex Alimentarius Commission adopted an amendment to the “Principles Concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission” (hereinafter referred to as the “Principles”). As a result, Section 6 paragraph 1 of the aforementioned Principles reads now as follows: “*The Directors-General may terminate observer status if an Organization no longer meets the criteria in sections 3 and 4 above, or for reasons of exceptional nature, in accordance with the procedures set out in this section. [...]*”.
2. This amendment has provided a basis for reviewing the status of the current observers in the light of the present criteria set out in the Principles, instead of the conditions that applied at the time of their admission.
3. In order to maintain observer status with the Codex Alimentarius Commission, an INGO must be “in consultative status, specialized consultative status or liaison status with FAO”, or “having official relations with WHO”, or meeting all the criteria set out in Paragraph 3 of the Principles.
4. Furthermore, Section 6 paragraph 2 of the Principles provides that “[w]ithout prejudice to the preceding paragraph, an international non-governmental organization in Observer Status which has neither attended any meetings nor provided any written comments during a period of four years shall be deemed not to have sufficient interest to warrant the continuance of such relationship”. The current review also takes this provision into account.
5. While the participation of international non-governmental organizations (INGOs) benefits Codex work by increasing expertise available and enhancing transparency, arrangements with the INGOs, including the granting and maintaining of observer status, should be such that would advance the purposes of the Codex Alimentarius Commission. In this context, and in the light of the above-mentioned provisions of the Principles, the Codex Secretariat has, in consultation with the legal services of FAO and WHO, initiated a process of reviewing the INGOs in observer status with the Codex Alimentarius Commission.

6. For practical reasons, the scope of the present review is limited as described below, and does not involve all INGOs in observer status. Further reviews will be conducted, in coming years, on INGOs in observer status. The observer status of the INGOs which have not been included in the scope of the current review will be reviewed in the future, and the status of the INGOs which have been included in the scope of the current review may be reviewed again as necessary.

## REVIEW PROCESS

### *Scope and criteria used*

7. In order to conduct a review on a prompt and objective manner, emphasis was placed on paragraph a) under the third bullet point of Section 3 of the Principles, while not excluding the possibility of taking into account, as necessary, others relevant provisions in the third bullet point of Section 3. The INGOs in consultative status, specialized consultative status, or liaison status with FAO (the first bullet point of Section 3 of the Principles) and those having official relations with WHO (the second bullet point of Section 3 of the Principles) have been excluded from the scope of the present review.

8. Paragraph (a) under the third bullet point of Section 3 provides that INGOs eligible for observer status “*are international in structure and scope of activity, and representative of the specialized field of interest in which they operate*”. For the purpose of this paragraph, INGOs shall be considered international in structure and scope of activity “*if they have members and carry out activities in at least three countries.*”

9. In addition, assessment was made to determine whether an INGO has sufficient interest to warrant the continuance of observer status using the criteria set out in Section 6 paragraph 2 of the Principles.

### *Step-by-step process*

The current review process has been following the steps below:

#### Step 1 – First-round assessment of INGO observers

10. As of 7 July 2007, there were a total of 157 INGOs in observer status with Codex. Among them, 44 INGOs had either a status with FAO or official relations with WHO (these INGOs were not included in the scope of the present review). The remaining 113 INGOs had neither status with FAO nor official relations with WHO.

11. Among the 113 INGOs, 51 INGOs have been found, based on the preliminary search in the archive records maintained by the Codex Secretariat (e.g. Codex session reports, communications from INGOs), to have neither attended any Codex sessions nor provided any written comments in the past four years, and/or, not to have clear evidence of satisfying at least one of the criteria mentioned in Section 3 of the Principles, namely paragraph (a).

#### Step 2 – Solicitation of observations from INGOs concerned

12. According to the Principles (Section 6 Paragraph 3), the Directors-General of FAO and WHO shall invite INGOs for which the conditions indicated in Paragraph 1 and 2 materialise, to submit observations. By 20 August 2007, an enquiry was sent, in combination of letter/facsimile/email as appropriate, to the registered contact address of all 51 INGOs identified in Step 1 as above. Where these addresses turned out to be obsolete or not operational, best efforts were made to find out new contact addresses and the query was forwarded to these addresses. The INGOs were invited to submit their observations by no later than 30 September 2007, on the finding of the first-round assessment. A first reminder was sent to all INGOs on 15 September 2007.

13. By 1 October 2007, replies were received from 29 INGOs. The Codex Secretariat acknowledged receipt of all observations received. In order to facilitate the determination of an INGO's compliance with the provisions in Paragraph 2 of Section 6 and/or paragraph (a) of Section 3 of the Principles, the Codex Secretariat has, where necessary, requested INGOs to provide update information on their organization, following the format set out in the Annex to the Principles, as well as to indicate in what countries they were currently carrying out their activities, with concrete examples.

### Step 3 – Second-round assessment of INGO observers

14. Among the 51 INGOs identified at Step 1, 8 INGOs have submitted, in their written observations, proof of compliance with the criteria and conditions in the Principles (e.g. attendance at Codex meetings/submission of written comments in the last four years, membership and activities in at least three countries). These INGOs have been excluded from the review.

15. After reclassification, it was found that among the remaining 43 INGOs, (i) 25 INGOs did not have the evidence to meet the conditions set forth in Section 6 Paragraph 2 while meeting the conditions set forth in Section 3 Paragraph (a) (Table 1)<sup>1</sup>; (ii) 5 INGOs did not have the evidence to meet the conditions set forth in Section 3 Paragraph (a) while meeting the conditions set forth in Section 6 Paragraph 2 (Table 2)<sup>2</sup>; (iii) 4 INGOs neither met the conditions set forth both in Section 6 Paragraph 2 and nor those in Section 3 Paragraph (a) (Table 3)<sup>3</sup>; and (iv) 4 INGOs were not in existence or in activity any more (Table 4). Finally, as of 16 October 2007, the status of 5 INGOs is not yet determined, pending submission of additional information.

### Step 4 – A second reminder for non-responding observers

16. A second reminder was sent on 11 October 2007 to all INGOs which have not responded to the query sent in August 2007 and to the reminder sent in September 2007. Should the Codex Secretariat receive late submission of relevant information from INGOs, such information, together with updates to Tables 1-4 will be presented to the Executive Committee.

## **TERMINATION OF OBSERVER STATUS**

17. The Executive Committee is hereby invited, in accordance with paragraph 3 of Section 6 of the Principles, to provide advice regarding the termination of observer status for INGOs listed in Tables 1, 2, 3 and 4. The written observations submitted by the INGOs concerned will be presented to the Executive Committee as Conference Room Document 1, in accordance with paragraph 3 Section 6 of the Principles.

18. The final decision on the termination of the observer status will be taken by the Directors-General of FAO and WHO, taking into account of the advice of the Executive Committee at the present session and the observations submitted by the INGOs concerned. In evaluating the information received, the legal offices of FAO and WHO will be consulted as appropriate.

## **TABLES**

**Table 1: 25 INGOs that did not have the evidence to meet the conditions set forth in Section 6 Paragraph 2 while meeting the conditions set forth in Section 3 Paragraph (a)**

Acronym	Full Name(s)	No reply by 16 October	Expression of interest in Codex	Expression of no more interest in Codex
<b>AEEF</b>	Association européenne des exploitations frigorifiques	<b>x</b>		
<b>AFC</b>	Arab federation for Consumers		<b>x</b>	
<b>AIDA</b>	Association internationale de la distribution	<b>x</b>		
<b>ASPEC</b>	Association of sorbitol Producers within the EC			<b>x</b>

<sup>1</sup> Among them, 11 INGOs didn't reply to the query in Step 2; 13 INGOs replied and showed their continuous interest in Codex work; 1 INGO replied and manifested no more interest in Codex work.

<sup>2</sup> Among them, 2 INGOs didn't reply to the query in Step 2; 3 INGOs replied and showed their continuous interest in Codex work.

<sup>3</sup> Among them, 2 INGOs didn't reply to the query in Step 2; 2 INGO replied and showed their continuous interest in Codex work.

<b>CICIP</b>	Confédération internationale du commerce et de l'industrie des pailles fourrages tourbes et dérivés	<b>x</b>		
<b>CIMO</b>	European Fresh Produce Importers' Association	<b>x</b>		
<b>COLEACP</b>	Europe-Africa-Caribbean-Pacific Liaison Committee for the Promotion of Tropical Fruits, Off-Season Vegetables, Flowers, Ornamental Plants and Spices		<b>x</b>	
<b>COPANT</b>	Comisión Panamericana de Normas Técnicas		<b>x</b>	
<b>CPIV</b>	Comité permanent international du vinaigre		<b>x</b>	
<b>EAPA</b>	European Animal Protein Association		<b>x</b>	
<b>EFA</b>	European Federation of Allergy and Airways Diseases Patients' Association	<b>x</b>		
<b>EFFCA</b>	European Food and Feed Cultures Association		<b>x</b>	
<b>EHN</b>	European Heart Network		<b>x</b>	
<b>EOQ</b>	European Organization for Quality	<b>x</b>		
<b>ESPA</b>	European Salt Producers' Association		<b>x</b>	
<b>EUFIC</b>	European Food Information Council	<b>x</b>		
<b>EUVEPRO</b>	European Vegetable Protein Federation		<b>x</b>	
<b>FEPALE</b>	Federación Panamericana de Lechería	<b>x</b>		
<b>FIC Europe</b>	Fédération des industries des sauces condimentaires, de la moutarde et des fruits et légumes préparés à l'huile et au vinaigre de l'UE		<b>x</b>	
<b>IABA</b>	Inter-American Bar Association	<b>x</b>		
<b>IATCA</b>	International Auditor and Training Certification Association	<b>x</b>		
<b>ICUMSA</b>	International Commission for Uniform Methods of Sugar Analysis		<b>x</b>	
<b>OEITFL</b>	Organisation européenne des industries transformatrices de fruits et légumes		<b>x</b>	
<b>UECBV</b>	Union européenne du commerce du bétail et de la viande		<b>x</b>	
<b>UEITP</b>	Union européenne des industries de transformation de la pomme de terre	<b>x</b>		
		<b>11</b>	<b>13</b>	<b>1</b>

**Table 2: 5 INGOs which did not have the evidence to meet the conditions set forth in Section 3 Paragraph (a) while meeting the conditions set forth in Section 6 Paragraph 2**

<b>Acronym</b>	<b>Full Name(s)</b>	<b>No reply by 16 October</b>	<b>Expression of interest in Codex</b>
<b>49P</b>	49th Parallel Biotechnology Consortium		<b>x</b>
<b>CSPI</b>	Center for Science in the Public Interest <sup>4</sup>		<b>x</b>

<sup>4</sup> CSPI, in its written communication, stated that CSPI is a founding member of IACFO (International Association of Consumer Food Organizations), which has observer status in Codex.

<b>IBA</b>	International Banana Association	<b>x</b>	
<b>IFT</b>	Institute of Food Technologists		<b>x</b>
<b>OFCA</b>	Organisation des fabricants de produits celluloses alimentaires	<b>x</b>	
		<b>2</b>	<b>3</b>

**Table 3: 4 INGOs which neither met the conditions set forth both in Section 6 Paragraph 2 and nor those in Section 3 Paragraph (a)**

<b>Acronym</b>	<b>Full Name(s)</b>	<b>No reply by 16 October</b>	<b>Expression of interest in Codex</b>
<b>IBWA</b>	International Bottled Water Association		<b>x</b>
<b>IFIS</b>	International Food Information Service	<b>x</b>	
<b>IPF</b>	International Peanut Forum	<b>x</b>	
<b>WRO</b>	World Renderers Organization		<b>x</b>
		<b>2</b>	<b>2</b>

**Table 4: 4 INGOs which were not in existence or in activity any more**

<b>Acronyms</b>	<b>Full Name(s)</b>
<b>AIII</b>	Association of International Industrial Irradiation
<b>IBF</b>	International Biotechnology Forum
<b>ICTF</b>	International Cocoa Trades Federation <sup>5</sup>
<b>IFGI</b>	International Federation of Glucose Industries

<sup>5</sup> With respect to ICTF, written confirmation of its having been dissolved is expected.