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codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 8 (c)

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

Sixty-first Session

WHO Headquarters, Geneva, Switzerland, 24-27 June 2008

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 apply for and maintain observer status with the Codex Alimentarius Commission, an international non-governmental organization (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 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. All INGOs in observer status are concerned by periodic reviews. For practical reasons, the present review of the existing observers has been being conducted in multiple phases.

Phase 1: First Review (July 2007 – December 2007)

7. At its Sixtieth Session in December 2007, the Executive Committee was invited, in accordance with Paragraph 3, Section 6 of the *Principles*, to provide advice regarding the termination of observer status for 38 INGOs listed in tables in document CX/EXEC 07/60/7 Part II.

8. The Executive Committee recommended to the Directors-General of FAO and WHO that: i) 23 INGOs lose their status of observer; ii) 4 INGOs maintain their status of observer; iii) 5 INGOs are granted a two-year delay before terminating observer status; iv) 6 INGOs are re-examined at the 61st session, pending additional information¹.

9. In December 2007 it was not possible to determine the status of five INGOs because of missing information. Among these INGOs, those which have provided the satisfactory information showing their compliance with the criteria are being taken off from the present review of observer status.

Phase 2: Follow-up of the First Review and the Second Review (from December 2007)

10. This document describes below the follow-up to the first step as well as the second review conducted on the INGOs in observer status that had not been covered by the first review.

A. Follow-up of the First Review

11. The 60th Session of the Executive Committee recommended the re-examination of 6 INGOs at its 61st Session as mentioned above, pending additional information. The additional information received by 30 April 2008 is summarised in Table 1, adapted from Table D of Appendix IV of ALINORM 08/31/3. Full documentation will be made available to the Executive Committee as a Conference Room document.

Table 1: 6 INGOs for re-examination at the 61st Session of the Executive Committee

Acronym	Full Name(s)	Reasons	Summary
49P	49th Parallel Biotechnology Consortium	To request additional information including on its international activities.	Documentation received on international activities.
COPANT	Comisión Panamericana de Normas Técnicas	To request additional information on relation with ISO (International Organization for Standardization) such as division of responsibilities.	Information received on COPANT's relation with ISO.
ESPA	European Salt Producers' Association	FAO/WHO to further evaluate its new statutes.	By-laws have been received.
IBWA	International Bottled Water Association	Pending the result of the recent application for observer status from ICBWA, of which IBWA is a member.	See CX/EXEC 08/61/6
OFCA	Organisation des fabricants de produits celluloses alimentaires	To request additional information including on its international activities.	Members and activities in at least three countries.
WRO	World Renderers Organization	To leave opportunity to reply to CL 2007/19-CAC concerning animal feeding.	No reply to CL 2007/19-CAC

¹ ALINORM 08/31/3, paras 78-81 and Appendix IV

B. Second Review (from December 2007)

Scope and criteria used

12. The scope of the second review focused on 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), which had not been considered in the first phase of the review.

13. In order to conduct this review on a prompt and objective manner and to fully take into consideration the status of these INGOs with FAO and WHO, emphasis was placed on the condition set in Section 6 paragraph 2 of the Principles.

Step-by-step process

14. This second review process has been following the steps below:

Step 1 – First-round assessment of INGO observers

15. As of 31 December 2007, among the 157 INGOs in observer status with Codex, 44 INGOs had either a status with FAO or official relations with WHO.

16. Among these 44 INGOs, 8 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.

Step 2 – Solicitation of observations from INGOs concerned

17. 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 15 February 2008, an enquiry was sent, in combination of letter/facsimile/email as appropriate, to the registered contact address of all 8 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 31 March 2008, on the finding of the first-round assessment. A first reminder was sent to all INGOs on 14 March 2008.

18. By 30 April 2008, replies were received from 7 INGOs.

Step 3 – Second-round assessment of INGO observers

19. Among the 8 INGOs identified at Step 1, 1 INGO has submitted, in its 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). This INGO has been excluded from the review.

20. After reclassification, it was found that 7 INGOs did not have the evidence to meet the conditions set forth in Section 6 Paragraph 2 (see below Table 2). Among them, 1 INGO did not reply to the query in Step 2; 1 INGO only returned acknowledgement of receipt; 2 INGOs replied and showed their continuous interest in Codex work; 3 INGOs stated that they are not interested in Codex work any more. Full documentation will be made available to the Executive Committee as a Conference Room document.

Table 2: 7 INGOs that did not have the evidence to meet the conditions set forth in Section 6 Paragraph 2

Acronym	Full Name(s)	No reply by 30 April 2008	Expression of interest in Codex	Expression of no more interest in Codex
APIMONDIA	Fédération internationale des associations d'apiculture		X	
IASC	International Association of Seed Crushers			X
IFAJ	International Federation of Agricultural Journalists	R		
IFFO	International Fishmeal and Fish Oil Organization			X

IIASA	International Institute for Applied Systems Analysis			X
IUBS	International Union of Biological Sciences	X		
WMA	World Medical Association		X	

R: Only the acknowledgement of receipt was received.

Step 4 – A second reminder for non-responding observers

21. A second reminder was sent on 2 April 2008 to all INGOs which have not responded to the query sent in February 2008 and to the reminder sent in March 2008. Should the Codex Secretariat receive late submission of relevant information from INGOs, such information, together with updates to Table 2 will be presented to the Executive Committee as a Conference Room Document.

TERMINATION OF OBSERVER STATUS

22. 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 and 2. The written observations submitted by the INGOs concerned will be presented to the Executive Committee as Conference Room Document, in accordance with paragraph 3 Section 6 of the Principles.

23. 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.