



JOINT FAO/WHO FOOD STANDARDS PROGRAMME
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

Eighty-second Session
20 – 24 and 30 June 2022

**REVIEW OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS
WITH 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” (referred to below as the “Principles”) of the Procedural Manual (PM). As a result, paragraph 6 of the Principles currently reads 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. [...]*”. This amendment has provided a basis for reviewing the status of International Non-governmental Organizations (NGOs) with observer status with Codex in the light of the criteria set out in the Principles.
2. In order to apply for and maintain observer status with Codex, an NGO must meet the criteria stated in paragraph 3 of the Principles, including, *inter alia*, the international scope and structure of the NGO’s activities; having aims and purposes in conformity with the Statutes of the Codex Alimentarius Commission; and being concerned with matters covering a part or all of the work of Commission’s field of activity.
3. Furthermore, paragraph 6 of the Principles provides that “*without 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*”.
4. In this context, and in the light of the above-mentioned provisions of the Principles, the Codex Secretariat has, in consultation with the legal offices of FAO and WHO, undertaken the process of reviewing the NGOs with Observer Status with Codex.
5. Due to the Covid-19 pandemic, the review scheduled for 2020, was postponed to 2022. The present analysis, therefore, has considered participation in Codex activities of the 167 NGOs with Observer Status, in the period September 2016 – following the last review¹ - to December 2021.

REVIEW PROCESS

Analysis methods

6. To determine how many and which of the 167 NGOs with Observer Status had attended any Codex session(s) and/or related working groups and/or provided any written comments between September 2016 and December 2021, the Codex Secretariat has reviewed the following information sources:
 - Existing data from monitoring tools, including meeting reports, working documents, Conference Room Documents (CRDs) and comments received (via email and via the Codex Online Commenting System - OCS);
 - Participation in Codex work, including physical meetings, physical (PWGs) and electronic working groups (EWGs);
 - Information provided by the NGOs with Observer Status.

¹ CX/EXEC 16/71/12

Results

7. The review identified 37 NGOs which had not engaged with Codex in the review period. One of these NGOs, EFA, the European Federation of Allergy and Airways Diseases Patients' Associations, however had only been granted Observer Status in 2019 and therefore was excluded from the remainder of the review as it was still meeting the conditions set forth in the Principles. Another organization, ICD, Industry Council for Development, was dissolved during the period considered for review, losing *ipso facto* the Observer Status. A total of 35 NGOs with Observer Status were therefore subject to further review.
8. According to the Principles, the Directors-General of FAO and WHO, shall invite NGOs for which conditions indicated in Paragraph 6 materialize, to submit a response. In line with this provision, an enquiry was sent to the registered contact address of all the 35 NGOs identified as above. Where these addresses proved obsolete or inactive, best efforts were made to find new contacts and the query was forwarded to these addresses. All NGOs were invited to submit their response within one month.
9. Among the obligations of NGOs with Observer Status set forth in the Principles, such NGOs must "*promptly report to the Secretary of the Commission changes in its structure and membership, important changes in its secretariat as well as any other important changes in the information provided in accordance with the Annex to the present Principles*". This was taken into consideration in the next phase of the review.
10. Of the 35 NGOs, six submitted proof of compliance with the criteria and conditions in the Principles. In their written response these NGOs stated that they had sent their respective comments on Codex work either via the umbrella organizations, in line with the double representation clause², or in one case (DRC) through a Member Country and provided the relevant supporting evidence. As this commenting procedure was part of an internal process, the Codex Secretariat was not in a position to monitor such contributions and/or include them among the sources of information. The organizations concerned were:
 - Centre de liaison des industries transformatrices de viandes de l'UE (CLITRAVI);
 - Culinaria Europe, the Fruit and Vegetable Dispute Resolution Corporation (DRC);
 - EUROGLACES;
 - FVE (Federation of Veterinarians of Europe);
 - International Pectin Producers' Association (IPPA); and
 - Working Group on Prolamin Analysis and Toxicity (WGPAT).
11. Of the remaining 29 NGOs³:
 - Six did not reply by or after the deadline; and did not send proof of compliance or justification for not meeting the criteria set forth in the Principles, even after several reminders (via email, phone calls, messages and voicemails). (Table I);
 - Three indicated that they were no longer interested in attending Codex meetings as observers without providing further explanations (Table II);
 - Four sent a reply within the deadline acknowledging their lack of participation, manifesting at the same time their interest in the work of the Codex Alimentarius and asking for permission to maintain the Observer Status (Table III);
 - Sixteen provided different explanations on their lack of participation through years 2016 – 2021 requesting to maintain the Observer Status (Table IV). Such explanations included: i) changes in the staff structure, e.g., appointment of a new focal point with little or no knowledge about Codex and/or the Observer Status and its privileges and obligations (76% of replies in this group); ii) limited resources to invest in Codex activities due to the pandemic, including *inter alia* staff time (14% of replies); and iii) absence of topics relevant to the work and mandate of the organizations (10% of replies). Among these NGOs, APIMONDIA, manifested their continued interest in maintaining Observer Status and stated that their lack of engagement with Codex through years 2016 – 2021 was due to the absence of topics relevant to the work and mandate of the organization. However, they

² In line with Section VII, Procedure for Obtaining "Observer Status", 4.2 last paragraph

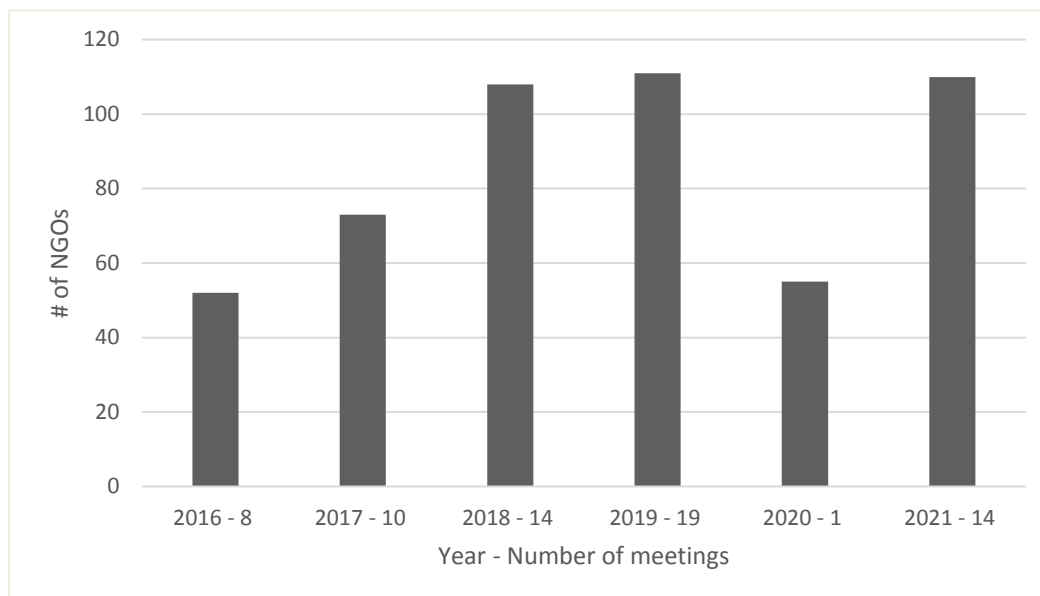
³ See Annex for more details.

have actively participated in social media campaigns⁴ on matters relevant to the Codex mandate, also organized in conjunction with the Codex Secretariat⁵.

Overall Participation and engagement of NGOs in Codex

12. The review showed a consistent participation of NGOs with Observer Status over the last six years, with more than 100 organizations attending Codex meetings in 2018, 2019 and 2021. (Figure 1)⁶.

Figure 1. Total number of NGOs attending one or more Codex meetings in September 2016 – December 2021



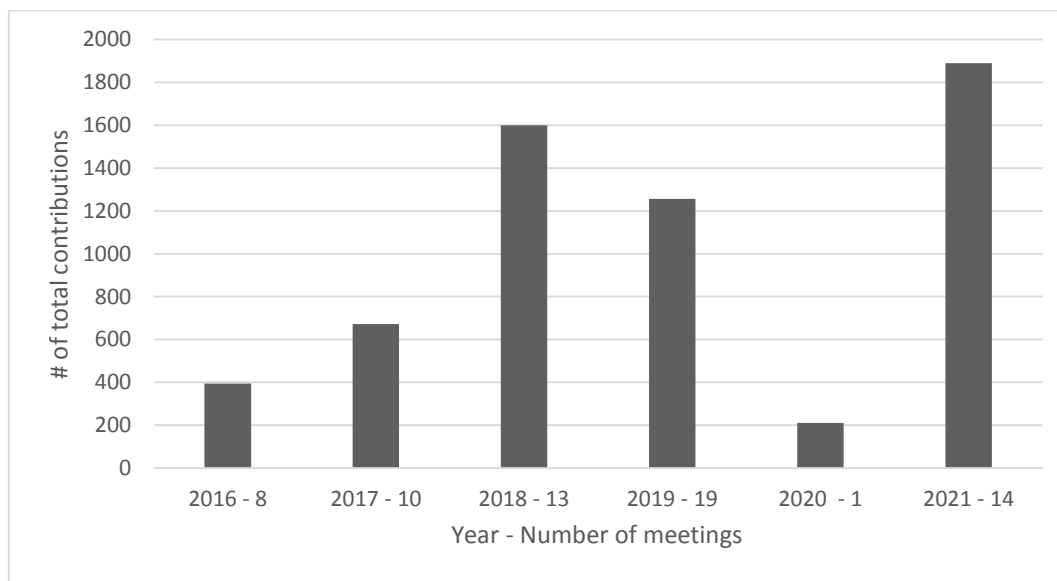
13. The collected data also indicated a wider participation of NGOs with Observer Status in some committees compared to the others, for example, the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU – average of 36 delegations per session), the Codex Committee on Food Additives (CCFA – average of 30 delegations per session) and the Codex Committee on Food Labeling (CCFL – average of 26 delegations per session.). At the same time, NGO involvement in the FAO/WHO Regional Coordinating Committees (RCCs) appeared to be limited, with an average participation of only four NGOs per meeting.
14. The analysis further showed that the engagement in Codex work of NGOs with Observer Status, which included the number of comments, CRDs and proposals for new work sent by these organizations, significantly increased in the same period (Figure 2).

⁴ Including, *inter alia*, World Food Safety Day, World Honey Day, Twitter chats on standards and Codex.

⁵ It should also be noted that in 2021 APIMONDIA signed a Memorandum of Understanding (MoU) with FAO that also includes activities related to the Codex mandate.

⁶ In reading Figure 1 and 2, due consideration should be given to: the limited number of Codex meetings analysed in 2016 (eight) for the purpose of the current review; the wider number of Codex meetings in 2019 (19) – which included the FAO/WHO Coordinating Committees (RCCs); that only one committee was convened in 2020 i.e. CAC43; the virtual nature of Codex Committees held in 2021 and the consequent postponement of RCCs as a result of the Covid-19 pandemic.

**Figure 2. Engagement of NGOs in Codex work - September 2016 – December 2021
(comments, CRDs and proposals for new work)**



15. In the review period, the Codex Secretariat received 40 applications from NGOs for Observer Status, showing a consistent interest in Codex and its related activities. Subject to the review process, 19 applications were deemed in line with the Principles, and the relevant texts of the parent organizations and based on the recommendation of CCEXEC, Observer Status was granted accordingly.

CONCLUSIONS

16. NGO observer participation in Codex remained consistent throughout the period considered for the review and there continues to be an interest from the wider NGO community in the work of Codex particularly as it embarks on new areas of work.
17. The review provided an useful opportunity to gain insight into the engagement of observers with Codex and highlighted that some aspects of NGO engagement may need further consideration, such as their contribution to the implementation of the Codex Strategic Plan and in particular Goal 3 which does not require meeting participation, or the engagement through partner/umbrella NGOs that are identified when observer status is granted.
18. The case of APIMONDIA is an interesting example of good engagement with Codex of an NGO even in the absence of a direct project of their interest. This kind of interaction should be encouraged and possibly included in a future revision of the Principles as such online participation, although presently not explicitly included in the Principles, appears nonetheless in line with the spirit of the Principles and with Goal 3 of the Codex Strategic Plan 2020-2025, *Increase impact through the recognition and use of Codex standards*, more precisely, with Goal 3.1, *Raise the awareness of Codex standards*.

REVOCATION OF OBSERVER STATUS

19. CCEXEC is hereby invited, in accordance with the Principles, to provide:
- advice and comments regarding the revocation of Observer Status for NGOs listed in Table I and Table II considering that Observer Status of NGOs listed in Table III and Table IV should not be revoked, as they expressed interest in maintaining their status and, in the second category, provided further explanations on their lack of participation in Codex activities.
 - feedback on the overall review and any recommendations for further consideration with regard to Observer NGO relations
20. The Directors-General of FAO and WHO will take a final decision on the revocation of the Observer Status, considering the observations submitted by the NGOs concerned and the advice of the Executive Committee.

Annex**Table I. NGOs (six) that did not meet nor provided evidence of meeting the conditions set forth in the Principles.**

Acronym	Full Name(s)
CIDCE	Centre International de Droit Comparé de l'Environnement/The International Center for Comparative Environmental Law
CLAM	Comité de liaison de l'agrumiculture méditerranéenne/Liaison Committee of Mediterranean Citrus Fruit Culture
ECU	European Committee for Umami
GREENPEACE	Greenpeace International
IWGA	International Wheat Gluten Association
WSMI	World Self-Medication Industry

Table II. NGOs (three) not having interest in maintaining the Observer Status.

Acronym	Full Name(s)
EuSalt	European Salt Producers' Association
IHPC	International Hydrolyzed Protein Council
WFA	World Federation of Advertisers

Table III. NGOs (four) showing their interest in the work of Codex Alimentarius, asking for permission to maintain Observer Status.

Acronym	Full Name(s)
COLEACP	Europe-Africa-Caribbean-Pacific Liaison Committee for the Promotion of Tropical Fruits, Off-Season Vegetables, Flowers, Ornamental Plants and Spices
EHPM	European Federation of Associations of Health Product Manufacturers
IFPS	International Federation for Produce Standards
IUNS	International Union of Nutritional Sciences

Table IV. NGOs (16) providing different explanations on their lack of participation, asking for permission to maintain Observer Status.

Acronym	Full Name(s)
AAF / Starch Europe	Association des Amidonniers et Féculiers/European Starch Industry Association / Starch Europe
AESGP	The Association of the European Self-Care Industry
AHPA	American Herbal Products Association
APIMONDIA	Apimondia
C4CCES	Centre for Climate Change and Environmental Studies
EFFCA	European Food and Feed Cultures Association
EFPPRA	European Fat Processors and Renderers Association
EUROCOMMERCE	EuroCommerce
FEEDM	European Federation of Honey Packers and Distributors

GAIN⁷	Global Alliance for Improved Nutrition
IAFI	International Association of Fish Inspectors
IAI	International Accreditation Forum
IEC	International Egg Commission
IFOAM	International Federation of Organic Agriculture Movements
IUMS	International Union of Microbiological Societies
PRRI	Public Research and Regulation Initiative

⁷ Immediately following the review period (February - March 2022), GAIN participated in the 52nd Session of the Codex Committee on Food Hygiene.