

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda item 6

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COMMENTS OF NCD ALLIANCE

Agenda item 6: Proposed amendment to the Principles concerning the participation of international non-governmental organizations in the work of the Codex Alimentarius Commission

NCD Alliance (NCDA), a membership-based non-governmental organization (NGO) with observer status at the Codex Alimentarius Commission (CAC) and in official relations with the World Health Organization (WHO), wishes to formally express concern regarding the double representation clause as currently applied to membership-based NGOs and their members within Codex proceedings. NCDA is particularly concerned about the proposed amendment under discussion at CCGP34 (CX/GP 25/34/7), which, if adopted, would maintain existing inconsistencies and practical challenges in the clause's application.

1. Direct impact on NGOs with a diverse membership

Since gaining observer status with Codex over a year ago, NCDA has encountered barriers to meaningful engagement—such as responding to circular letters and participating in sessions like the 48th Codex Committee on Food Labelling—due to the application of the double representation clause. This clause currently limits NCDA's ability to contribute independently on items where our priorities may differ from those of our members.

This is problematic, especially as not all membership-based NGOs follow a traditional federation model. NCDA's network consists of organizations of varying sizes and scopes—some of which are not "smaller" than NCDA in function, reach or resources. However, under the clause's current interpretation, if NCDA participates, our member organizations lose their Codex privileges in that session, even though they may represent distinct and valuable perspectives, or be "larger".

The proposed amendment does not address this imbalance, and the clause will still not apply to all international NGOs that have observer status with Codex contrary to the interpretation by CAC (see REP24/CAC, paragraph 14). The clause would continue to rely on undefined terms—such as "larger" organizations—and fail to provide clear criteria, perpetuating ambiguity and limiting effective participation from public health-focused civil society organizations (CSOs) like NCDA.

2. Broader issues and institutional concerns

Recognition of the problem: Codex Secretariat itself has acknowledged that complex relationships between NGOs create issues in applying the clause. In CX/EXEC 22/83/6, it was noted that application of the clause has "significantly affected the rights of participation enjoyed by member NGOs," and that granting observer status to umbrella organizations often "abruptly" limits their members' ability to contribute.

Structural barriers to public health representation: The Procedural Manual's current criteria create disproportionate obstacles for public health CSOs compared to private sector actors, who often participate through other avenues (e.g., national delegations). A 2022 scoping review confirmed the underrepresentation of public

health CSOs in Codex, contrasting sharply with the food industry's strong presence and influence. This imbalance affects both the equity and legitimacy of Codex decision-making.

Operational challenges and inconsistencies: As noted in CX/EXEC 23/85/5, the Codex Secretariat has limited capacity to ensure compliance with the clause, especially in electronic working groups. The current system relies heavily on NGOs to disclose internal structures and coordinate effectively—a standard not always feasible or equally enforced.

Unintended disincentives: In CX/EXEC 22/83/6, the Codex Secretariat further pointed out that small NGOs operating in just three countries may gain observer status without restriction—so long as they don't join larger networks. Meanwhile, larger NGOs operating in 20+ countries face restrictions if they are transparent about their affiliations. This disincentivizes cooperation and penalizes transparency.

3. Call for a broader review

NCDA urges the CCGP to not adopt the proposed amendment, and instead to initiate a comprehensive review of the double representation clause. The review should prioritize ensuring that CSOs with a public health focus are not structurally disadvantaged. Greater inclusion of these perspectives is essential for Codex to fulfill its role as a legitimate and balanced global governance body.