

Codex Alimentarius: Setting Standards for Whom?

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What is the Codex Alimentarius?

- **Joint UN body of WHO and FAO**
- **Dual mandate – fair trade and consumer protection – harmonization**
- **Codex sets standards for food commodities and food products**
- **Ingredients**
- **Nutritional composition**
- **Safety/risk analysis of food additives**
- **Levels of contaminants for foods**
- **Microbial criteria for foods**
- **Labelling requirements**
- **Sets guidelines for nutrition and health claims**

Who participates?

Member states (189)

UN Agencies WHO, FAO

International NGOs (240)

Where are meetings held?

Host countries are responsible for **chairing** the meetings:

- Codex Committee Nutrition and Foods for Special Dietary Uses (CCNFSDU) - **Germany**
- Codex Committee on Food Hygiene – **USA**
- Codex Committee on Food Labelling – **Canada**
- Codex Committee on Contaminants in Food – **Netherlands**
- Codex Committee on Food Additives - **China**

Codex decision by consensus

- Technically “the absence of any formal objection” to enable all countries to have an equal voice – avoids forcing to take sides,
- Need to make **concessions and compromises**
- Yet standards for WTO disputes are to be based on “**rigorous science**” and “**risk assessments**”
- ***Difficulty lies in making concessions on items that cannot/should not be compromised.***

Analysis of participation CCNFSDU 2015



54 industry representatives on national delegations 54/191= 28%

The most industry delegates: German delegation 7/9, Russia 5/6, France 4/5, US 6/10, Indonesia 5/7

36 observer organisations with 91 delegates

5 independent with 10 delegates

1 patient organisation 1 delegate

24 Industry NGO's with 75 delegates

Biggest BINGO delegations: 12 ISDI, 9 SNE, 3 ILSI, 9 IADSA

129 industry associated persons in the room of 282 delegates 46%

13 public badges - incognito

Public Interest Observers

PINGO's

- Present (5) : ENCA, IACFO, IBFAN, ILCA, HKI

Patients organization

- Association of European coeliac societies
- International Diabetes Federation

**13 participants out of 129
Observer participants = less
than 10%**



Who are some of these industry based Observers?



- ASSOCIATION INTERNATIONALE POUR LE DÉVELOPPEMENT DES GOMMES NATURELLES (AIDGUM)
- ASSOCIATION FOR INTERNATIONAL PROMOTION OF GUMS (AIPG)
- EUROPEAN SOCIETY FOR PAEDIATRIC GASTROENTEROLOGY HEPATOLOGY AND NUTRITION (ESPGHAN)
- AOAC INTERNATIONAL (AOAC)
- AMERICAN OIL CHEMISTS' SOCIETY (AOCS)
- FEDERATION OF EUROPEAN SPECIALTY FOOD INGREDIENTS INDUSTRIES (EU SPECIALTY FOOD INGREDIENTS)
- CALORIE CONTROL COUNCIL (CCC)
- EUROPEAN VEGETABLE PROTEIN ASSOCIATION (EUVEPRO)
- FOODDRINKEUROPE
- INTERNATIONAL ALLIANCE OF DIETARY/FOOD SUPPLEMENT ASSOCIATIONS (IADSA)
- GLOBAL ORGANIZATION FOR EPA AND DHA OMEGA-3S (GOED)
- INTERNATIONAL COUNCIL ON AMINO ACID SCIENCE (ICAAS)
- INTERNATIONAL COUNCIL OF BEVERAGES ASSOCIATIONS (ICBA)
- INTERNATIONAL DAIRY FEDERATION (IDF/FIL)
- INSTITUTE OF FOOD TECHNOLOGISTS (IFT) INTERNATIONAL CHEWING GUM ASSOCIATION (ICGA) (ICGA)
- INTERNATIONAL COUNCIL OF GROCERY MANUFACTURERS ASSOCIATIONS (ICGMA)
- INTERNATIONAL ORGANIZATION OF THE FLAVOR INDUSTRY (IOFI)
- **INTERNATIONAL SPECIAL DIETARY FOODS INDUSTRIES (ISDI)**
- INTERNATIONAL READY TO USE FOODS ASSOCIATION (IRUFA)
- SPECIALISED NUTRITION EUROPE (SNE)

Codex setting standards for whom?

Codex and WTO

- **Codex standards and guidelines are used as WTO benchmarks.**
- **To ensure that the WTO trade dispute mechanisms will not over-rule national legislation or regulation regarding the International Code of Marketing of Breast-milk Substitutes and subsequent WHA resolutions.**
- ***Protects the ability of national governments to regulate the marketing and labelling of baby food and formula products***

What You Don't Know About the Codex Can Hurt You: How Trade Policy Trumps Global Health Governance in Infant and Young Child Nutrition



- Russ, Baker et al. [Int J Health Policy Manag.. 2021](#)
- Between 1995 and 2019, **exporting member states** made **245 interventions regarding CMFs at the WTO, many citing deviations from standards set by the CAC**. These did not occur in formal disputes, but in WTO Committee and Accession processes.
- **To weakened regulation, exporters also sought to narrow the CSFUF at the CAC in a way that is at odds with recommendations in the *International Code*.**
- "The commercial interests of the baby food industry are magnifying inconsistencies between health guidelines set by the WHO, standard-setting at the CAC, and functions of the WTO. This poses **serious concerns for countries' abilities to regulate in the interests of public health, in this case to protect breastfeeding and its benefits for the health of infants, children and mothers.**



- A Joint Statement by the World Health Organization, the World Food Programme, the United Nations System Standing Committee on Nutrition and the United Nations Children's Fund. 2007. *Community-Based Management of Severe Acute Malnutrition*; A Joint Statement by the World Health Organization and the United Nations Children's Fund. 2009. *Child growth standards and the identification of severe acute malnutrition in infants and children*, Geneva: ~~World Health Organization; World Health Organisation. 2013. *Guideline: Updates on the management of severe acute malnutrition in infants and children*, Geneva: World Health Organization; World Health Organisation. 2003. *Global Strategy for Infant and Young Child Feeding*, Geneva: World Health Organization; World Health Organisation. [1981. *International code of marketing of breast-milk substitutes*, Geneva: World Health Organization and subsequent relevant WHA Resolutions on infant and young child feeding]; *Code of Ethics for International Trade in Food including Concessional and Food Aid Transactions* (CXC 20-1979); Food and Agriculture Organisation and World Health Organisation. 2016 **2021**. *FAO/WHO Microbial safety of lipid-based ready-to-use foods for management of moderate acute malnutrition and severe acute malnutrition*, Rome: Food and Agriculture Organisation.].~~

ISDI On the inclusion of the International Code in the FUF standard

- ISDI is of the opinion that **no specific reference to WHA resolutions should be made in the revised Codex Standard for Follow-up Formula.**
- ISDI is particularly concerned at the prospect of extending some of the restrictions applied to infant formula being applied to follow-up formula.
- The principles of Codex are protecting the health of consumers and facilitating international food trade. Therefore, other factors/aspects/elements such as governmental policies, practices and external body recommendations should not be included in a Codex Standard. ISDI is of the opinion that no specific reference to WHA resolutions should be made in the revised Codex Standard for Follow-up Formula.
- It is **not appropriate that product standards deviate in their scope into areas of public health policy or statements on nutritional policy.** Policy statements relating to health are beyond the scope of the Codex Alimentarius. ISDI questions the legitimate basis to include those statements based on the Codex rules of procedures.

ISDI on Resolution (A69/A/CONF./7 Rev 1) for 'Ending inappropriate promotion of foods for infants and young children'

- The Codex standards setting system, as defined in the Rules of Procedures, is evidence based and technically focused. Even though technical aspects could be considered, **it deliberately maintains a separation with policy and activities undertaken by international organisations (WHO, FAO, UNESCO, UNICEF, WTO).** WTO recognised Codex Alimentarius as a standard setting body and even as a reference for dispute resolutions.

WHA 69.9 states very clearly that:

A breast-milk substitute should be understood to include any milks (or products that could be used to replace milk, such as fortified soy milk), in either liquid or powdered form, that are specifically marketed for feeding infants and children up to the age of 3 years (including follow-up formula and growing-up milks).

WHO on policy coherence



WHA RESOLUTION 58.32 May 2015

2. *REQUESTS the Codex Alimentarius Commission:*

1) *to continue to **give full consideration**, when elaborating standards, guidelines and recommendations, **to those resolutions of the Health Assembly that are relevant in the framework of its operational mandate**; with special attention to issues mandated in Health Assembly resolutions.*

What needed at national level

- Critical for national governments to implement the International Code and WHA resolutions
- Essential for national governments to have strict regulations on the labelling of products and prohibit nutrition and health claims
- Important for governments to have delegates informed in infant and young child feeding at Codex
- There should be no industry participants on national delegations.

Increasing public health interest participation



- How?
 - National consultations on relevant agenda items with public interest and health organizations
 - Independent Trust Fund similar to the one for the participation of low income countries
 - Conflict of interest criteria for MS delegations
- Advantages
 - Greater capacity at meetings to promote Codex mandate for the protection of consumer health and the protective measures for IYCF.
- Difficulties
 - Costly
 - Considerable learning curve
 - Time consuming to follow the various committees