

**ENCA comments on the Future of Codex. Part 3 Model for Future Codex Work**  
**IBFAN** and **ENCA** comments on PART1 of the Consultation.

1. With regard to the four meeting formats presented in Table 1, are there any additional strengths or weaknesses of the meeting formats that should be highlighted?
2. b) From your perspective as a Member country or Observer is there a particular meeting format that is most effective in terms of time, cost and efficiency? Please provide the rationale for your answer noting that more than one option may be selected. Please also indicate the resource implications for you with regards with the four meeting formats, i.e. in-person only, virtual only, in-person with webcast, in- person with possibility of virtual interventions.
3. c) Are the core values of Codex, transparency, inclusiveness, collaboration, and consensus-building guaranteed by the four meeting formats described? Do you have any concerns that would need to be addressed with regard to using a particular format for a Codex meeting?
4. d) Are there other meeting formats that should be considered?
5. e) How can we continue to improve inter-session working mechanisms to ensure they provide a good basis for the work of Codex committee meetings?
6. f) Are there other key issues that need to be considered in developing the model for Codex work that will ensure its efficiency and effectiveness in the coming years?
7. *The underlying question is how Codex can support the broader global goals around sustainability in the context of climate change, food systems changes and environmental challenges. It is important to promote a common understanding on the role of Codex in addressing these challenges, consistent with Article 1 of the Statutes of the Codex Alimentarius Commission.*

**Regarding the 4 models in Table 1** ENCA favours the 4<sup>th</sup> Option - in-person and virtual participation - as the meeting format that is most effective in terms of not only time, cost and efficiency, environmental impact and transparency.

**Web-streaming:** Codex meeting should be not only be virtual, but also web-streamed wherever possible and uploaded for public viewing after the meetings. This is important for many reasons, including as a historical record, for transparency, accountability and for public understanding and learning. Web-streaming will become increasingly important over time for the revision, revocation and starting of standards. The absence of such analyses in 1987, led to the adoption of the Formula Up Formula Standard – an example of a bad standard that fuelled the global market for unnecessary and harmful products and led to a weakening of essential laws to protect breastfeeding.

**Transparency in virtual participation.** Participants must of course be properly and transparently registered. Once this is done, lead participants should be able to call on other members of the delegation to make interventions.

**The need for a One Health Approach.** The 4th format is most likely to safeguard the original Codex mandate to protect public health as a priority while reducing harmful impact on the environment. As stated by Dr Tedros at the opening of CAC45, Codex must as a matter of urgency, follow an *“integrated, unifying approach that aims to sustainably balance and optimize the health of people, animals and ecosystems.”* This means that a transformation of the global food system and the facilitation of trade for its own sake, must be considers very much a secondary objective

**Reversing resource disparities.** The 4<sup>th</sup> option should also increase the presence of poorly resourced countries who are less able to send as many people to in-person meetings. The powerful exporting nations and corporations and front groups that traditionally dominate in-person Codex meetings, profit from Codex standards that fail to protect health, yet are rarely held financially responsible for the harm these standards cause. Invariably, the ‘costs’ are externalized to importing countries and families. IBFAN, ENCA and IACFO have been assured many times that the Codex Trust Fund – that seeks to address resource disparities, will remain funded by Member States, rather than by private philanthropies and commercial entities. This is important and should be written into the Procedural Manual as a point of principle.

**The need for stronger Conflict of Interest and transparency safeguards.** As mentioned in IBFAN’s comments on Part 1, Codex needs stronger Conflict of Interest and transparency safeguards if it is to ensure that all its meetings and decisions are based on relevant, convincing and credible evidence rather than on political or commercial expedience. Until this happens, in person Codex meetings will continue to be more problematic that virtual meetings because they are more likely to be dominated by corporations and their front groups, with deceptive names that hide their nature and commercial objectives. All too often commercial entities are

also present on government delegations, sometimes even speaking for the governments. In the 2019 CCNFSDU meeting 44% (164) of the 370 delegates represented the food and related industries, funding dinners, receptions and meetings, with 67 sitting government delegations. There were more industry than government delegates in the room. Following IBFAN ENCA and other exposures about this problem several countries have reduced commercial presence in their delegations and this has made an important difference in their statements. For true public interest observers such as IBFAN and ENCA who are not commercially financed and whose aim is purely to protect health, in person Codex meetings and the side event can be highly problematic. It is sometimes impossible to know who you are really talking to.

**Rebalance government delegations.** Aside from the presence of industry, government delegations typically contain few people from health ministries and no people from environmental ministries. Most government delegates are from Bureaux of Standards, trade and industry. This imbalance needs to be addressed if Codex is to meet today's challenges.

**Observer statements must be reflected in the report.** To impose a ruling that observer statements should only be reflected in CRDs would severely limit the visibility and power of observer comments - especially from those advocating greater public health safeguards. Observers are usually well aware of the need for concise statements and concise reports and the need to stay focused the specific topic being discussed. This constraint would unfairly impact on Public Health NGOs. Business front group rarely say anything of substance because their work is done before and behind the scenes, through sponsorship and funding of meetings.

Over the years, IBFAN, ENCA, IACFO have often been alone in bringing specific and critically important issues, such as how Codex texts and WHO recommendations are used at WTO, to the attention of the Commission and its Committees<sup>1</sup>. While we totally support the chair's right to rule out of order and discourage interventions by any members or observers that serve to advance or protect commercial interests over health and fairness in trade that the Commission is mandated to advance. However, establishing obstacles to the participation of civil society organizations would be a backward step that will result in ill-informed policies, especially where public health and child protection are concerned.

If changes are to be made to minimize, the role of Observers, these should be proposed as amendments to the *Procedural Manual* and the impact of such changes on the legitimacy of Codex standards (according to the WTO requirements for openness, etc.) properly evaluated.<sup>2</sup>

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<sup>1</sup> 2023 [Lancet Series on Breastfeeding](#). [INTERVENTIONS AT WTO AND CODEX RELATED TO NATIONAL IMPLEMENTATION OF THE WHO INTERNATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES](#). Kathryn Russ\*

<sup>2</sup> WTO publication *WTO Agreements and Public Health*, 2002 at [https://www.wto.org/english/res\\_e/booksp\\_e/who\\_wto\\_e.pdf](https://www.wto.org/english/res_e/booksp_e/who_wto_e.pdf)  
Page 34. *One of the most relevant outcomes of the [WTO] review was the adoption of a "Decision of the Committee on Principles for the Development of International Standards, Guides and Recommendations." The Decision calls upon international standardizing bodies to observe a certain number of principles in their work, which include: transparency, openness, impartiality and consensus, effectiveness and relevance, and coherence. It also calls upon them to take the development dimension into account in the elaboration of their standards, guides and recommendations. International standardizing bodies that fulfil these criteria will be considered "international" within the meaning of the TBT Agreement.* page 237. **PRINCIPLES CONCERNING THE PARTICIPATION OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE WORK OF THE CODEX ALIMENTARIUS COMMISSION** 1. Purpose **The purpose of collaboration with International Non-Governmental Organizations is to secure for the Codex Alimentarius Commission, expert information, advice and assistance from International Non-Governmental Organizations and to enable organizations which represent important sections of public opinion and are authorities in their fields of professional and technical competence to express the views of their members** and to play an appropriate role in ensuring the harmonizing of intersectoral interests among the various sectoral bodies concerned in a country, regional or global setting. Arrangements made with such organizations **shall be designed to advance the purposes of the Codex Alimentarius Commission by securing maximum cooperation** from International Non-Governmental Organizations in the execution of its programme. p. 239-240. 5.1 Privileges of International Non-Governmental Organizations in "Observer Status" **An Organization in Observer Status: (a) shall be entitled to send an observer (without the right to vote) to sessions of the Commission, who may be accompanied by advisers; to receive from the Secretary of the Commission, in advance of the session, all working documents and discussion papers; to circulate to the Commission its views in writing, without abridgement; and to participate in discussions when invited by the Chairperson (51); (b) shall be entitled to send an observer (without the right to vote) to sessions of specified Subsidiary Bodies, who may be accompanied by advisers; to receive from the Secretaries of the Subsidiary Bodies, in advance of the session, all working documents and discussion papers; to circulate to these Bodies its views in writing, without abridgement; and to participate in discussions when invited by the Chairperson;**

**Codex terminology should be consistent:** Because of a lack of attention to COI safeguards and scientific rigour, the infant formula and follow-up formulas standards have four references to the meaningless term ‘history of safe use’ – a term that industry has used for decades to establish trust in their products and new ingredients.

**Tackling Ultra-Processed products.** Following the One Health Approach, Codex will have to address the problem of Ultra-processed products, This will necessitate a fundamental shift in power and exercise extreme caution regarding the adoption of any standard relating to the safety, ingredients, labelling, marketing and global trade of these products.<sup>3</sup>

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<sup>3</sup> **Risks of Ultra-Processed Foods (UPFs):** UPFs form 50% of Britons’ calorie intake; *Consumption of Ultraprocessed Foods in Brazil* 2022) <https://www.eurekalert.org/news-releases/970082>. Review article *Education. Ultraprocessed Foods Among US Youths Aged 2-19 Years, 1999-2018*. *JAMA*. al. *Ultraprocessed food consumption and dietary nutrient profiles associated with obesity: A multicountry study of children and adolescents*. *Obes Rev* 2022 Jan;23 Suppl 1:e13387.do10.1111/obr.13387. Epub 2021 Dec 9; Nelson et al. *Premature Deaths Attributable to the Consumption of Ultraprocessed Foods in Brazil*. <https://doi.org/10.1016/j.amepre.2022.08.013>; *FAO. Ultra-processed foods, diet quality, and health using the NOVA classification system* Monteiro et al.