

Request for comments on the development of the Codex Strategic Plan 2026-2031 – Part 1 – how Codex works as part of the multilateral system on food and trade CL2023/65/OCSEXC <http://www.fao.org/fao-who-codexalimentarius/resources/circular-letters/en>

As the first step in this programme of engagement, Members and Observers are invited to provide responses to the following questions, which are based on Annex I:

Codex standards, put in place for food safety, quality, and nutrition, may also contribute to other areas. In your view, how could Codex support “*the broader global goals around sustainability, one health, food security and environmental protection through the development of international food standards that address any potential issues for consumer health protection or fair trade practices arising from implementation of initiatives to advance sustainability interests*”? **Where do you see particular priorities for Codex?**

The Quadripartite One Health Joint Plan of Action focuses on supporting and expanding capacities in six areas, including the assessment, management and communication of food safety risks. It also promotes multinational, multi-sector, multidisciplinary collaboration. **What benefits might there be to Codex and its Members from such collaboration across the multilateral system for trade and food?**

ENCA RESPONSE:

ENCA is pleased to contribute to this important discussion on how Codex standards on food safety, quality and nutrition can support the broader goals of sustainability, one health, food security and environmental protection and supports the comments made by IBFAN.

The [aim of Codex since its foundation](#) in the early 60s has been to protect the health of consumers and ensure fair practices in the food trade. However, the permissive global trade of countless ultra-processed products, standardized by Codex has sadly, harmed rather than protected the health of humans and the environment . The agri-food industry has used Codex to undermine bio-diverse, traditional food cultures and in many countries the [deforestation](#), mono-cropping, land-grabbing and risky technologies that have had a devastating impact on human and planetary health. [Analyses](#) are now showing that UPF consumption is a significant cause of non-communicable diseases and premature death.

Since breastmilk substitutes are global commodities, trade has been a central concern of IBFAN since its inception and IBFAN has necessarily worked to improve trade rules, attending Codex Alimentarius meetings since 1995 when the World Trade Organisation recognised Codex standards as the reference point for dispute settlement mechanism. We see the participation of independent International NGOs as an integral and essential part of Codex that should be recognised and enhanced in the new Strategic Plan. ⁱ

IBFAN’s main focus has been to achieve policy coherence between Codex standards and the recommendations of the World Health Assembly, in particular the International Code and the subsequent relevant WHA Resolutions in order to protect breastfeeding and optimal

complementary feeding and ensure the highest attainable standard of health for mothers and children. Breastfeeding is a resilient practice that provides food, care and immune support, protects against malnutrition in all its forms and is a lifeline for babies in all situations, including and especially those in emergency situations. Breastfeeding and complementary feeding with local, culturally appropriate family foods are the world's most sustainable, food secure and environmentally protective means of feeding infants and young children. Breastfeeding is the nurturing relationship of the mother baby dyad and is profoundly affected, displaced and undermined by weak Codex standards and trade rules. As a result of the unsafe feeding exacerbated by harmful and aggressive marketing there are still an estimated 800,000 thousand infants and young child deaths each year, with over 330,000 in the African region alone. Many more suffer from malnutrition or do not reach their full potential.ⁱⁱ

In order to protect breastfeeding and optimal complementary feeding, it is essential to tackle many cross-cutting broader issues that affect Codex decisions, namely its poor transparency and Conflicts of Interest safeguards and the difficulty of achieving policy coherence between Codex decisions and those made by the UN bodies, and in particular the parent organizations of Codex, WHO and FAO.ⁱⁱⁱ

The failure of Codex to adequately address these problems has had a profoundly damaging impact on health, the environment and has left mothers and children exposed to the will of marketeers and powerful exporting countries – entities that benefit from unrestricted trade but are never held financially responsible for these harms. All the 'costs' are externalized to resource-poor governments, families, babies and the environment.

IBFAN advocacy has helped bring about partial incorporation of WHA resolutions into most Codex standards and guidelines relating to infant and young child feeding. There remain significant discrepancies and loopholes. The over-arching requirement in the *Code of Ethics for International Trade in Food* (CAC/RCP 20-1979) that calls on national authorities to 'observe' the International Code and resolutions of the World Health Assembly (WHA) is ignored by far too many governments.^{iv,v}

Although nearly all Member states endorsed the International Code of Marketing of Breast-milk Substitutes in 1981 and the 20 subsequent, relevant World Health Assembly resolutions that strengthen it, these essential minimum policy requirements are not made fully mandatory in the Codex standards relating to infant and young child feeding products. It is high time that they are.

If there is to be the radical transformation of the global food system Codex working procedures must be improved. Below we provide some suggestions for changes to Codex Priorities, many of which should be included in the Procedural Manual:

- 1 Decisions must be protected from commercial influence and based on relevant and convincing evidence:**

Despite the fact that the Codex Procedural Manual states that particular attention must be paid to the needs of developing countries, In our experience, Codex decisions are far too often based, not on credible evidence of the risks to health in these countries, but on politically influenced consensus. This is not surprising when in the Nutrition Committee (CCNFSDU) over 40% of Codex delegates represent the food and related industries. They fund dinners, receptions and meetings and sit on government delegations. Indeed, there are often more industry than government delegates in the room.

The corporations promoting the most harmful products are complicit in the climate emergency – through deforestation, mono-cropping, land and sea grabbing, and the promotion of a host of risky technologies. The greenhouse gases and water usage caused by the production and distribution of formulas is growing. ^{vi} 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

- 2 **Codex terminology should be consistent: One example of potential harm is the meaningless Industry term – ‘established history of apparently safe use’** This term appears four times in the Infant Formula and Follow-up Formula Standard and should be removed. This critically important loophole opens the door for producing industries to maintain untested/unsafe ingredients in these products.
- 3 **Health /environment /animal protective Criteria for prioritizing Codex work.** ENCA strongly supports the need for a strict prioritization mechanism that would establish whether standards should be revised, revoked or started. This process should frankly address all the global impacts, including the *negative impact* of Codex standards, not just the positive.
- 4 One clear example of why effective criteria are needed is **the follow-up formula Standard**. Because there was no such analysis or discussion about risks in 1987, and entirely unnecessary **Standard** was adopted that contained no safeguards and fuelled the global market for these needless products. The standard has been a major factor in the undermining of legislation to protect breastfeeding.
- 5 **Codex should exercise extreme caution regarding the safety, ingredients and labelling of standards for all ultra-processed products, taking greater account of processing impacts on health and environment.** The long shelf life needed for the global trade of foods invariably involves ultra-processing and the harms caused by these products is increasingly being recognised. **It** will be a fundamental challenge for Codex.^{vii viii}
- 6 **Animal Health.** Codex should also consider the impact of corporate-driven food systems on animal health and welfare. Codex should not be endorsing powerful growth enhancing drugs such as Zilpaterol, (currently banned in the UK, EU, Russia and China) that are used purely for commercial reasons. These are cross-cutting

issues involving health, veterinary medicine, ecology, food systems and the political control of resources. When considering these matters Codex needs to ensure that it takes all these global criteria into account. The risk of antimicrobial resistance (AMR) is recognised to be one of great global threat to public health:

- 7 **Codex Standards should not be used as a ‘regulatory ceiling’** IBFAN, IACFO and ENCA have often intervened to bring specific and critically important issues to the attention of the Commission and its Committees, including that Codex texts are used by exporting nations in trade fora an effort to sabotage the adoption of effective safeguards in resource poor nations. We were pleased that the Codex Chair, in a statement to the World Breastfeeding Conference in Cairo, went some way to dispel the myth that Codex standards are a regulatory ceiling. Codex must do more to encourage national governments to adopt stronger health and environment protective regulations.^{ix} Governments have the sovereign right to adopt any legislation they consider necessary to protect child health as long as it does not violate international trade principles.^x This aspect of policy making is highly relevant to the Codex Committee discussion on Agenda 7 - STRATEGIC PLAN 2020-2025: IMPLEMENTATION REPORT 2020-2021.

- 7 **Codex should adopt stricter Transparency and Conflict of Interest safeguards.** This issue needs careful thought and cooperation from Member States, especially in relation to the role of Science in *the Codex Decision making Process*. The Commission is mandated to advance health and fairness in trade and should take effective steps to protect the process from commercial interests. However, it should not create obstacles or suppress the participation of expert civil society organizations working towards this aim, since this would result in ill-informed policies, especially where public health and child protection are concerned.
 - . IBFAN is pleased that after many years of complaint about the lack of transparency at CCNFSU, Codex has at last allowed the webcasting of this Committee. While we understand the need for brevity in reports. Transcripts of the proceedings would be excellent to have. Much greater transparency, and conflict of interest safeguards are clearly needed. Member States should be discouraged from including health harming industries to sit on government delegations to Codex, since this provides unregulated access to policy-making at the highest and most influential level. Codex could warn governments of the negative impacts of allowing health-harming industries to be invited as legitimate ‘partners’ in health and food safety programs. Once agreed such warning should be written into the Procedural Manual

- 8 **The public funding of the Codex Trust fund must be written into the Codex Manual,** alongside an acknowledgment of the risks of private sector (including private philanthropies) influence on Codex decision making.

- 9 **Environmental Impact of the Food system must be central.** For too long Codex has been oblivious to the harm caused by global trade of unnecessary, plastic wrapped, denatured, ultra-processed products – many bearing deceptive claims. Codex must address the global impact of food production on greenhouse gas emissions and its

impact on climate change, biodiversity, labour practices, protection of agricultural land and animal welfare. Any efforts to improve or transform the Food System must be: human rights based, must not mask problems that need to be addressed; must not undermine food security; must not further exacerbate an already broken, harmful food system and must not facilitate the trade of harmful ultra-processed products

IBFAN and ENCA call for biodegradable packaging should not be considered beyond the remit of Codex. ^{xi}

10 Exercise caution when considering proposals from Multi-stakeholder Initiatives.

The Corporate-influenced multi-stakeholder initiatives, such as Scaling Up Nutrition GAIN, Harvest Plus, have added to the confusion amongst Member States delegates to Codex. Multi-stakeholder initiatives promote private sector influence over public affairs and have undermined the efforts of those calling for effective conflict of interest regulations. Governments in resource-poor countries have come under pressure to favour market-led, product-based approaches to address malnutrition with health harming corporations as ‘trustworthy’ partners. ^{xii} **Codex needs to tackle this problem head on and follow all WHO recommendations relating to nutrition and NCDs.**

Biofortification is an example where Codex wasted many years discussing a highly promotional and misleading definition (that included all forms of agriculture including Genetic Modification) before discontinuing the work. IBFAN spoke many times about the promotional and misleading nature of the term Biofortification. ^{xiii}

11 Safeguards regarding Products for Emergencies

Emergencies responses are often characterized by large influxes of unsolicited donations of baby feeding products, and evidence has shown that donations can often do more harm than good in emergencies situations. ENCA is concerned about the CCFL proposal for labelling exemptions of food aid in emergency situations. Those in emergency situations are more vulnerable to illness and malnutrition and extra precautions should be in place to ensure optimal, safe and informed labelling as mandated in all situations requiring food aid. All Codex standards and Guidelines relating to emergencies should forbid inappropriate promotional appeals and should include references to WHA 55.25 that calls on Member States *“to ensure that the introduction of micronutrient interventions and the marketing of nutritional supplements do not replace, or undermine support for the sustainable practice of, exclusive breastfeeding and optimal complementary feeding”* ^{xiv}

12 Requirements for exporting countries implementation, and monitoring of the International Code and subsequent WHA resolutions.

The Codex Strategic Plan should encourage Member States to exercise jurisdiction to ensure manufacturers and distributors of products within the scope of the Code and foods for infants and young children can be held liable for practices that cross into or

out of their countries and do not comply with regulatory measures that implement the Code.

Member States should prohibit manufacturers and distributors of products within the scope of the Code and foods for infants and young children from promoting products within the scope of the Code outside their borders across all channels and media, including digital marketing.

Member States should require multi-national companies, such as social media platforms, that do business or provide services in their countries to maintain nationally domiciled legal entities that can be held liable for breaches of regulatory measures intended to implement the Code. Licensing mechanisms should include requirements for Code compliance for entities whose content is made available in that jurisdiction.

Member States should monitor compliance and adapt regulatory measures to capture harmful marketing practices.

Where countries have put the Code and resolutions into law there should be no interference by exporting countries in the enforcement of these laws. To achieve the broader goals of mitigating the global crisis of malnutrition, rising epidemics of non-communicable diseases, environmental degradation, global warming, Codex must put the protection of maternal and child health on the forefront of its decision making and in the very least be inclusive of the decisions made by Member States at WHO and FAO for the protection of health, the environment and food security.

13 Strengthen Food Safety safeguards and protect decision making from commercial influence.

ENCA considers the inclusion of food safety for products for infants and young children to be of fundamental importance to Codex. We welcome the work by FAO in collaboration with WHO on the global FAO Food Safety Strategy.

Global Strategy for Food Safety says that: *“Unsafe food disproportionately affects vulnerable groups in society, particularly infants, young children, the elderly and immunocompromised people.”*

As mentioned before, human milk is the secure and safe food for children and breastfeeding is resilient, provides food, care and immune support and prevents malnutrition in ALL its forms. Babies, who are not breastfed are at greatest risk of water-borne diseases, with diarrhoeal disease the second biggest killer of under-fives. As climate-related emergencies increase, water scarcity and contamination are inevitably exacerbated. Breastfeeding in these circumstances is the only lifeline for infants and young children.

Inappropriate and unsafe feeding practices for this vulnerable population is linked to the promotion of formula feeding products which come with considerable nutritional (ingredients cannot replicate breastmilk’s complexity), contaminants

(heavy metals, bisphenols, phthalates etc.) and intrinsic microbial risks (C. sakazakii, Salmonella species, Clostridia spores etc) leads to unnecessary use of these products and is a serious global food safety crisis, All exacerbated by the Covid – 19 pandemic and the increasingly serious impact of climate change.

Codex Food Safety Strategy must include provisions for the protection of breastfeeding and optimal complementary feeding by including the recommendation for governments to implement, the International Code of Marketing of Breastmilk Substitutes and subsequent WHA resolutions on infant and young child feeding with effective monitoring and enforcement to protect this population from the harmful consequences of the promotion of unsafe feeding practices and ensure secure and safe feeding as a critical means to protect infant and young child health and achieving the Sustainable Development Goals.

- 14 **Sustainability Labelling.** As part of the wider remit of Codex, Codex must address sustainability, bio-diversity and environmental issues. However we are concerned that the Codex proposal for sustainability labelling is the wrong way forward, and risks leading to yet more “greenwashing” of ultraprocessed foods, providing yet another means to market products and increase market share.

The lack of government regulation and independent monitoring of labelling in many Member States and the predominance of food industry and self-regulated certification labelling schemes will almost certainly lead to counter-productive, wasteful unsubstantiated claims.

Codex should encourage Governments to focus on labelling initiatives that prioritise warnings rather than claims, are government-led, with legally binding safeguards that are substantiated with independent and verifiable evidence, independently monitored and government enforced.

The resources needed to legislate, enforce, monitor and substantiate sustainability claims and warnings effectively will be costly. In many cases this will be a counter-productive, wasteful and will utilize critical public health resources to facilitate the needs of the processed food industry rather, than bring about the “transformation of the world’s food systems that is needed urgently, based on a One Health approach that protects and promotes the health of humans, animals and the planet” In countries where effective regulation is not a viable option, sustainability labelling should not be permitted.

It is IBFAN and ENCA’s experience that nutrition and health claims are rarely based on credible science and invariably misleading. When used to promote foods for infants and young children such labelling is especially deceptive and undermining of breastfeeding and WHO recommendations for optimal infant and young child feeding. Such claims put maternal, infant and young child health at risk and are forbidden by World Health Assembly Resolutions.

Codex Guidelines should encourage governments to follow several key principles to encourage fair, comparable and truthful labelling:

- Adequate, effective, legally binding and independently monitored safeguards must first be in place to ensure that human and planetary health is not undermined by misleading claims.
- The onus for reducing the impact of food systems on climate change should not be placed on consumers.
- Governments primary aim must be to protect and restore biodiversity, prevent the degradation of ecosystems and the wider environment, reduce the risks from emerging and re-emerging zoonotic epidemics and pandemics and curb the silent pandemic of antimicrobial resistance.

The Independently verified impact of ALL the factors that contribute to food production and food consumption (“from farm to fork”) should be used as criteria and they must include as a minimum:

- water consumption along the whole production chain
- source of ingredients - local or imported
- processing of ingredients
- processing of the final product
- environmental cost of the global supply chain
- global, regional and national transportation
- packaging - plastics – microplastics, chemicals such as PFAs^{xv}
- labour practices
- agricultural practices (mono-culture, pesticides use, fertilisation....)
- animal health
- retailing, marketing and promotion

It is critically important that sustainability labelling must not be permitted for commercial milk formulas or foods for infants and young children to the age of 5 years. The risks of a sustainability claim being misleading are too great

[1] The Quadripartite Organizations – FAO and the United Nations Environment Programme (UNEP), the World Organisation for Animal Health (WOAH), and the World Health Organization (WHO) published the [One Health Joint Plan of Action](#) in 2022

ⁱ *PRINCIPLES CONCERNING THE PARTICIPATION OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE WORK OF THE CODEX ALIMENTARIUS COMMISSION*. 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. (page 237.).

5.1 Privileges of International Non-Governmental Organizations in "Observer Status" p. 239-240.

ⁱⁱ In 2016, The Lancet confirmed the critical importance of breastfeeding. Better breastfeeding practices could prevent the deaths of 823,000 children per year (mainly by preventing approximately half of all diarrhea episodes and one-third of infections). Of the total worldwide deaths, 311,000 (38%) are estimated to occur in Africa where approximately 16% of the world's population lives.

ⁱⁱⁱ The importance of policy coherence is stressed by the UN Guiding Principles under Guiding Principle 8 (Ensuring policy coherence), which state that “States should ensure that governmental departments, agencies and other State-based institutions that shape business practices are aware of and observe the State’s human rights obligations when fulfilling their respective mandates, including by providing them with relevant information, training and support.” Lack of policy coherence can mean that achievement of elements of any initiative

might impact negatively on others. The alignment of policies on sustainable development and human rights, avoids duplication of efforts and saves scarce resources for implementation.

^{iv} [CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOOD INCLUDING CONCESSIONAL AND FOOD AID TRANSACTIONS](#) CAC/RCP 20-1979. take special note of the last para: 4.4 *National authorities should be aware of their obligations under the International Health Regulations (2005) with regard to food safety events, including notification, reporting or verification of events to the World Health Organisation (WHO). They should also make sure that the international code of marketing of breast milk substitutes and relevant resolutions of the World Health Assembly (WHA) setting forth principles for the protection and promotion of breast-feeding be observed.*

^v [2022 Marketing of breast-milk substitutes: national implementation of the international code, status report 2022](#) WHO UNICEF IBFAN

^{vi} Calls to curb infant formula's carbon footprint, December 4, 2019, Australian National University <https://www.bpni.org/report/Carbon-Footprints-Due-to-Milk-Formula.pdf> <https://www.bpni.org/wp-content/uploads/2018/11/Green-Feeding-RC-Carbon-Footprint-10-Asian-Countries.pdf> <https://internationalbreastfeedingjournal.biomedcentral.com/articles/10.1186/s13006-019-0243-8> IBFAN's Greenfeeding papers. https://www.theguardian.com/environment/2017/jul/21/pepsico-unilever-and-nestle-accused-of-complicity-in-illegal-rainforest-destruction?CMP=share_btn_tw

^{vii} *COP27 – Can lessons be learned and the UPF trade controlled?* IBFAN Statement. November 2022.

The food sector is known as a major source of anthropogenic greenhouse gas emissions, contributing about 30% of the total global emissions, through livestock, fisheries, crop production, land-use changes and processing¹. Writing in this issue of *Nature Climate Change*, Ivanovich et al. further confirm in their [Analysis article](#) that global food consumption can add nearly 1 °C to warming by the end of this century, driven by foods that are high sources of methane, such as beef, dairy and rice..*Modern food emissions. Nat. Clim. Chang. (2023).* <https://doi.org/10.1038/s41558-023-01643-2>

^{viii} **Risks of Ultra-Processed Foods (UPFs):** UPFs form 50% of Britons' calorie intake; Nelson et al *Premature Deaths Attributable to the Consumption of Ultraprocessed Foods in Brazil* American Journal of Preventive Medicine 10.1016/j.amepre.2022.08.013 (2022) <https://www.eurekalert.org/news-releases/970082>. Review article; Angel et al. *Ultraprocessed Foods and Public Health: A Need for Education*. Mayo Clinic Proceedings, Volume 94, Issue 11, November 2019, Pages 2156-2157; Wang et al. Trends in Consumption of Ultraprocessed Foods Among US Youths Aged 2-19 Years, 1999-2018. *JAMA*. 2021;326(6):519-530. doi:10.1001/jama.2021.10238; Neri et 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. doi:10.1111/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.

^{ix} "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*". WTO publication *WTO Agreements and Public Health*, 2002 https://www.wto.org/english/res_e/booksp_e/who_wto_e.pdf

^x These threats have been highlighted in the 2023 [Lancet Series on Breastfeeding 2023 INTERVENTIONS AT WTO AND CODEX RELATED TO NATIONAL IMPLEMENTATION OF THE WHO INTERNATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES](#). Kathryn Russ*

^{xi} "The most alarming finding in our latest research is a very large proportion of greenhouse gas emission impact is associated with the so-called growing up milks or toddler formula ... In China, nearly half of the sales of milk formula is toddler formula." Dr Julie Smith, of the Australian National University,

6 "When the SUN casts a shadow" by FIAN International, IBFAN and the Society for International Development (SID) examined the Scaling up Nutrition (SUN) ^{xii} using the right to adequate food and nutrition legal framework and found among other things: that SUN favoured favored short-term medicalized and technical solutions; promoted intensive agriculture and technologies such as biofortification; neglected the commerciogenic causes of malnutrition (under and over nutrition). SUN had limited impact on reducing malnutrition while carrying negative implications for human rights;

^{xiii} <http://www.babymilkaction.org/wp-content/uploads/2018/10/IBFAN-PROPOSED-DRAFT-DEFINITION-FOR-BIOFORTIFICATION-2018-1.pdf>

^{xiv} <https://www.ennonline.net/ife> [https://www.ennonline.net/attachments/4343/Preventing-and-managing-inappropriate-donations-of-BMS-\(ENGLISH\).pdf](https://www.ennonline.net/attachments/4343/Preventing-and-managing-inappropriate-donations-of-BMS-(ENGLISH).pdf)

^{xv} Waste disposal and the burning of rubbish increases methane emissions. "Plastics do not fully decompose and instead just continually break down into smaller and smaller pieces called microplastics. These microplastics pose a huge risk to wildlife and are extremely difficult to clean up. ... The best way to reduce the impact of single-use plastics on climate change is to stop using this type of plastic." <https://www.colorado.edu/ecenter/2021/02/25/climate-impact-single-use-plastics>