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Are the responses approved or endorsed by your organization?

Yes

Comments on the "[Discussion paper](#)"

General comments : Please comment on the clarity and comprehensiveness of the approach

Federalimentare (Italian Food&Drink Industry Federation) is deeply concerned by the three papers released by the World Health Organization (WHO) on the prevention and management of conflicts of interest of nutrition programmes. Federalimentare also wishes to raise its strong concerns on the consultation timeline that has been proposed. We received the first notice of information on September 13 and the deadline is September 24. We do not believe that having effectively 7 working days is sufficient for the public to review these three highly important documents. More time should have been allocated to the public consultation.

Federalimentare represents, protects and promotes the Italian Food and Beverages Industry, the second highest ranking Italian manufacturing sector which accounts for 8% of the national GDP, with an annual turnover of over 132 billion Euro.

Federalimentare supports a cross-sector approach to health and prevention based on cooperation between authorities and industry. Federalimentare also promotes the adoption of healthy lifestyle from childhood onwards, through the right combination of balanced nutrition and physical activity, the only real strategy for countering excess weight and obesity.

The three papers take an inherently negative view of the private sector in general, and the food and beverage industries specifically. The Introductory Paper, in particular, views the private sector with suspicion, frequently implying that engagement with non-State entities is necessarily likely to compromise governments' mandates to promote public health and nutrition. There is virtually no acknowledgement in any of the three documents of the food and beverage industries' unique contribution, insights, know-how, and capacity; despite references that other industries may have "critical resources to bring to the table." In

fact, the documents take a tone antithetical to the WHO's own Framework for Engagement with Non-State Actors (FENSA), which lays out guidelines for engagement with all types of non-state actors, emphasizes the benefits of maximizing engagement while minimizing actual or perceived conflicts, and does not inappropriately expand the scope of excluded industries. WHO member states committed significant resources to negotiating the FENSA, which is not yet fully implemented. It is unclear to us what would be the rationale for WHO to deviate from the FENSA approach and to recommend national governments take a more restrictive approach.

Federalimentare is further concerned that implementation of this proposed tool would place an extraordinary burden on governments and any possible non-State collaborators (including organizations not directly part of the private sector but which partner with, receive funds from, or otherwise engage the private sector). Strict adherence to the tool would rule out a vast number of possible engagements, needlessly eliminating fruitful, mutually-beneficial partnerships between governments and non-State actors. Use of the tool in its entirety would require exceptional amounts of time and attention, which would both misuse limited resources and slow or effectively freeze the process of partnership. While all six steps and every included sub-step may be necessary for complex, long-term, multi-stakeholder projects, use of the tool is infeasible for most engagements. For example, use of Steps 1 and 2 would suffice for many collaborations. This is particularly true given that the tool starts to show frustrating redundancies starting in Step 3. As a whole, the tool could be streamlined to be both more effective and less cumbersome.

The criticality of partnerships has been gaining recognition in the context of development strategies and international policy-making. The 2030 Agenda for Sustainable Development, in particular SDG 17, calls for a revitalized and enhanced global partnership, that brings together governments, civil society, the private sector, the UN system, and other actors, and mobilizes all available resources to achieve the SDGs ambitious targets. The report of the Third International Conference on Financing for Development (paragraph 10), and the FAO Strategy for Partnership with the Private Sector also provide clear calls to action for delivering global partnerships for sustainable development, including private sector engagement. We sense that this new approach by WHO goes directly against that of Agenda 2030 and most other United Nations agencies.

The recommendations are not consistent with most member states principles for democratic, transparent, good governance in consultation and rule-making. Unjustifiably restricting engagement with the private sector would not only be antithetical to democracy and good governance, it would also deprive member states of the knowledge, expertise, and resources of the private sector and put at risk programs that are helping member states achieve their own public health objectives. These recommendations could be used by governments to arbitrarily restrict engagement with the food and beverage industry (in contravention of many domestic and international legal obligations), and they would also likely serve as a very damaging precedent for policies in the WHO and other international organizations.

The food and drink industry plays a crucial role – along with governments, international organizations and civil society - in the growing global challenges for sustainable food systems and healthy diets. The Italian food and beverage industry is fully aware of its responsibilities not only to provide healthy and safe food products, but also supporting the wide adoption of a nutritionally balanced diet. Responsiveness on the part of the food industry – which is aware of the problem and considers itself part of the solution – is essential and includes not only awareness of the relationship between health and various nutrients, but also consciousness of a proper lifestyle model combining physical activity and balanced diet, taking into account of the portions size and the frequency of consumption. This will allow consumers to choose to modify their dietary habits by selecting reformulated products, eating smaller portions and doing physical exercise.

Italy has been recently ranked by Bloomberg as the healthiest country in the world (according to the 2017 Global Health Index). This is also due to the healthy diet and its nutritional context whose key policies are based on a strong collaboration between private and public sectors.

Specific comments

It is inappropriate for the WHO to compare the food and beverage industry to industries excluded from engagement with the WHO. The “tactics” which the WHO claims to analyze are, in fact, normal elements of political discourse, employed by many types of non-state actors. The draft documents denigrate the food and beverage industries and cast a negative light on possible engagements with Member States even before such engagements have a chance to develop (Page 2).

It is unfair to allow a perception of conflict of interest to affect decisions on whether to continue to engage with a particular private sector actor (page 3). This language should be adjusted to acknowledge that, while perceptions of conflict of interest may cause a negative image, it is the responsibility of the Member State to ensure that it is not missing opportunities to collaborate based on (mis)perceptions alone.

In the general principles, the WHO claims engagement can only be successful when the engagement “conforms with the Member State’s agenda.” While governments and non-state actors may share common objectives, excluding engagement and debate on the basis of differing opinions of tactics or “agendas” is antithetical to the transparent, open governance for which member states and international organizations should strive. The requirement would also eliminate the possibility for governments to develop innovative programs with the support and input of non-State actors. This phrasing reduces engagements to the level of contracted work or consulting terms, leaving no space for creative co-creation of projects that benefit public health and nutrition (Page 4).

Comments on the "[Introductory paper](#)"

General comments : Please comment on the clarity and comprehensiveness of the introductory paper

Federalimentare notes these documents and recommendations were developed without inclusion of the food and beverage industries. This lack of inclusion is troubling. In addition, the extraordinarily short consultation period does not provide adequate time for stakeholders or member states to provide comprehensive input and for the WHO to meaningfully consider this input. (Page 2-3).

Throughout the Introductory Paper, and in the Tool as well, various terms and phrases are not precisely defined and/or are defined inconsistently with the FENSA. For example, the term “at arm’s length” is not well defined. It is not clear on what criteria member states would determine whether entities are “at arm’s length” from industries or actors subject to exclusion from engagement. (Page 5).

As in the discussion paper, Federalimentare notes that the introductory paper makes inappropriate and unacceptable comparisons between the food and beverage industries and the tobacco industry. The document is laden with more language that reveals categorical and unhelpful distrust of any private sector actor: “Engagement of the private sector...should be treated with great caution, as the commercial interests in the outcome of the evaluation have the potential to compromise the independence of the process.” Commercial motives are not inherently incompatible with public health interests. They, in fact, may drive the exact innovation and investment necessary to achieve sustainable improvements in health and development. The food and beverage industries are also unique drivers of employment and economic growth, enabling millions of people to access the jobs and income that also improve personal, family, and community health. Rather than denigrating industry, the WHO and member states should focus on identifying common objectives and synergies and shared responsibilities where governments and non-state actors can leverage their unique strengths to accelerate achievement of the Sustainable Development Goals.

Specific comments

Comments on the "[Tool](#)"

General comments : Please comment on the clarity and practical value of the tool

In the very first step of the tool, the WHO states that “the scope, objectives and expected outcomes of the proposed engagement should be clearly defined before the first interaction with the non-State institution or individual” (page 5). As stated above, it seems counterproductive and overly burdensome to require such a

firm understanding of outcomes before first contact occurs. This requirement strips collaborators of the opportunity to meaningfully contribute to a program's objectives. As collaborators presumably have strengths and insights that the government may lack, working together at this early stage is critical to successful execution of a partnership or policy dialogue.

Step 2 seems largely reasonable, and appears to be the most practically usable part of the Tool; indeed, Steps 1 and 2 alone probably suffice to manage the risks and benefits of engagement in most instances. The exclusionary criteria proposed are, however, inappropriate, particularly without consideration of governments' own domestic and international legal obligations for transparency and good governance. The stipulation that non-State actors must not "aim to participate in policy development" (page 6) is problematic and inconsistent with best practices for transparency in rule-making.

Step 3 (Page 14) is the point at which use of the tool becomes more clearly and unnecessarily burdensome and complicated. Step 3 may certainly be useful for complex projects, but it does not seem essential for more straightforward collaborations. It repeats key elements from Step 2, making Step 3 a good use of time only if Step 2 has yielded an exact balance of high and low risk, which in most cases will be unlikely.

Step 4 is poorly formulated to the point of being unusable. In order to be practical, it requires either far greater elaboration or, preferably, simplification and inclusion in another step. Given that step 5 acknowledges this tendency toward redundancy – "In this regard, step five is closely related to step four, because if the outcome of M&E suggests that there are weaknesses in the mitigation measures, the national authorities may reconsider their approach related to mitigation measures as well as whether to continue the engagement or disengage" (Page 17) – perhaps the two steps could be streamlined and collapsed into one.

Step 6 (Page 18) is not objectionable, but may not be strictly necessary if such work falls under the normal purview of governmental operations.

Specific comments