



***EXPERT GROUP ON GENERAL FOOD LAW AND SUSTAINABILITY OF FOOD SYSTEMS***

**TERMS OF REFERENCE**

**1. BACKGROUND**

The Directorate-General for Health and Food Safety ('DG SANTE') is currently engaging with the Member States on horizontal matters relating to the food chain through the expert group on general food law. This group was established in 2014 to monitor the application of Regulation (EC) No 178/2002<sup>1</sup> on general food law in the Member States, as well as to address any future revision of that Regulation. It is composed of Member States' representatives, responsible for the above-mentioned Regulation and having expertise in food law.

The existing configuration of the expert group on general food law is not appropriate to discuss issues relating to the implementation of the Farm to Fork Strategy<sup>2</sup> which go beyond matters of food law as such and require a broader and deepened range of expertise. Indicatively, Member States' representatives with further expertise in health/nutrition, environment/climate, and agriculture/fisheries-related areas are needed for addressing issues relating to sustainable food systems.

In light of the above, it is necessary to modify the name and tasks of the group.

**2. SUBJECT MATTER**

The name of the group of experts on General food law shall be changed into 'expert group on general food law and sustainability of food systems' ('the group').

**3. TASKS**

The group's tasks shall be:

- (a) to assist DG SANTE in the preparation of legislative proposals and policy initiatives in the field of food law and food systems sustainability (including environmental/climate, agriculture/fisheries and health/nutrition aspects).

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<sup>1</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety; (OJ L 31, 1.2.2002, p. 1).

<sup>2</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final, dated 20 May 2020.

- (b) to assist DG SANTE in the preparation of delegated acts on the abovementioned fields.
- (c) to establish cooperation and coordination between the Commission and Member States on questions relating to the implementation of Union legislation, programmes and policies in the field of food law and food systems sustainability (including environment/climate, agriculture/fisheries and health/nutrition-related areas).
- (d) to assist DG SANTE in the early preparation of implementing acts, before submission to the committee in accordance with Regulation (EU) N°182/2011.
- (e) to bring about an exchange of experience and good practice in the field of food law and food systems sustainability (including environmental/climate, agriculture/fisheries and health/nutrition aspects).

#### **4. CONSULTATION**

1. DG SANTE may consult the group on any matter relating to food law and food systems sustainability (including environmental/climate, agriculture/fisheries and health/nutrition aspects).

#### **5. MEMBERSHIP**

1. Members shall be Member States' authorities at national level responsible for the topics referred to in point 2.
2. Member States' authorities shall nominate their representatives with expertise in food law and food systems sustainability (including environmental/climate, agriculture/fisheries and health/nutrition aspects).
3. Member States' authorities shall be responsible for ensuring that their representatives provide a high level of expertise.

#### **6. CHAIR**

The group shall be chaired by a representative of DG SANTE.

#### **7. OPERATION**

1. The group shall act at the request of DG SANTE, in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules')<sup>3</sup>.
2. Meetings of the group shall, in principle, be held on Commission premises.
3. DG SANTE shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG SANTE, the group may, by simple majority of its members, decide that deliberations shall be public.

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<sup>3</sup> C(2016) 3301, Article 13.1.

5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
6. The group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports

## **8. SUB-GROUPS**

1. DG SANTE may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG SANTE. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. The members of sub-groups that are not members of the group shall be selected via a public call for applications, in compliance with the horizontal rules<sup>4</sup>.

## **9. INVITED EXPERTS**

DG SANTE may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an *ad hoc* basis.

## **10. OBSERVERS**

1. Individuals, organisations and public entities other than Member States' authorities may be granted an observer status, in compliance with the horizontal rules, by direct invitation/as a result of a call for applications.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and sub-groups and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group and sub-groups.

## **11. PROFESSIONAL SECRECY AND HANDLING OF CLASSIFIED INFORMATION**

The members of the group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443<sup>5</sup> and 2015/444<sup>6</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

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<sup>4</sup> See Articles 10 and 14.2 of the horizontal rules.

<sup>5</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

## **12. TRANSPARENCY**

1. The group and sub-groups shall be registered in the Register of expert groups.
2. As concerns the group and sub-groups composition, the following data shall be published on the Register of expert groups:
  - (a) the name of Member States' authorities;
  - (b) the name of observers, including the name of third countries' authorities.
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available *via* a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, DG SANTE shall publish the agenda and other relevant background documents in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001<sup>7</sup>.

## **13. MEETING EXPENSES**

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. For each meeting of the group and sub-groups, travel and subsistence expenses incurred by a maximum of three representatives per Member State and by invited experts shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

Done in Brussels, on [date].

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<sup>6</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

<sup>7</sup> These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.