EXPERT GROUP ON GENERAL FOOD LAW AND SUSTAINABILITY OF FOOD SYSTEMS

MINUTES OF THE MEETING 30 NOVEMBER 2021, 10H15-13H00

1. WELCOME BY THE COMMISSION

DG SANTE opened the first meeting of the new expert group by providing an update on the rationale behind the creation of this new expert group. As the original configuration of the General Food Law (GFL) expert group was not considered appropriate to discuss issues relating to the implementation of the Farm to Fork Strategy – as the Strategy covers matters beyond food law as such and requires a broader and deepened range of expertise –, the group was revamped in 2021 to include further expertise in health/nutrition, environment/climate, and agriculture/fisheries-related areas.

2. INCEPTION IMPACT ASSESSMENT: PRESENTATIONS BY THE COMMISSION AND EXCHANGE OF VIEWS

The Commission presented the outline of the inception impact assessment for the future sustainable food system framework initiative and the indicative elements listed in it.

Questions raised related to the link between the future initiative and the General Food Law Regulation, but also with the Common Agriculture Policy and other new initiatives, such as the deforestation legislative proposal. The Commission explained that the nature of the future framework law was horizontal and that sector specific legislation would apply without prejudice to framework legislations. Ensuring coherence with policies and legislations will be key during the preparatory work of this initiative.

Several MS raised the issue of sustainability analysis, e.g. how it would be designed, which methodology would be used, whether it would be similar to the food safety risk analysis. The issue of compliance with WTO of the future initiative was also raised. In response to this, the Commission explained that, while some similarities to risk analysis could be envisaged, this would need detailed consideration in the context of the impact assessment. The Commission underlined the importance to ensure WTO compliance.

MS stressed the need to consider the "sustainability analysis/assessment" also from a "food systems perspective", not just focusing on a product-related approach.

3. EU CODE OF CONDUCT ON RESPONSIBLE FOOD BUSINESS AND MARKETING PRACTICES: PRESENTATION BY THE COMMISSION AND EXCHANGE OF VIEWS

The Commission presented the EU Code of Conduct on responsible food business and marketing practices, namely its objectives, its content and its signatories until that date¹. Some concrete commitments by individual companies were also highlighted.

Questions from EU Member States related to the following:

 One Member State asked how to monitor real compliance with the Code (beyond industry reports) and how to evaluate its impact on sustainable and healthy food habits. The Member State further asked to clarify the kind of monitoring framework.

The Commission referred to the Code text and explained that monitoring was a key priority area to make the Code credible and to allow for public scrutiny. It further added that various ways were being explored on how such monitoring could be done. The Commission intended to do the mapping of commitments so as to identify priority areas and potential gaps. It invited EU MS to share information on how they would see compliance with the Code. The Commission further referred to the review of F2F Strategy in 2023: as the Code was one of the first deliverables of the Strategy, all relevant information collected, including MS experiences, would be a particular useful input in that exercise.

• One Member State asked to clarify which role, if any, was foreseen for the Member States in order to disseminate information about the Code of Conduct.

The Commission pointed to the importance of outreach, the availability of the Code text in all EU languages as well as the involvement of public authorities in encouraging associations and companies to join. Public authorities can act as enablers by supporting companies and helping/facilitating the implementation the commitments.

• One Member State asked whether there were plans for parts of the Code of Conduct and the companies' initiatives to become legal requirements at some point.

The Commission indicated that the current text of the Code stipulated that commitments should go beyond current legislation. There will be certain cross fertilisation between the future sustainable food systems framework and the Code, whilst both initiatives run in parallel. Not all actions can become of legislative nature, but some of the aspirational objectives may be reflected into law at a later stage.

¹ Commission distributed the slides presented at the meeting.