

## COMMUNICATION FROM THE COMMISSION

### **concerning the creation of an advisory group on the food chain and animal and plant health and the establishment of a consultation procedure on the food chain and animal and plant health through representative European bodies**

In its White Paper on European Governance adopted on 25 July 2001<sup>1</sup>, the Commission highlighted the importance of opening up the policy-making process to get more people and organisations involved in developing and implementing European policies.

Modern democracy depends on citizens' capacity to participate in public debate and is based on the way in which the European Union uses the powers vested in it by its citizens.

The White Paper on Governance proposes to open up the policy-making process to citizens by establishing a more systematic dialogue with representatives of regional and local authorities through national and European associations at an early stage in shaping policy. Hence, improved participation should strengthen confidence in the institutions which produce the policies.

The Commission has also adopted a communication entitled "Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission"<sup>2</sup>, to ensure a consistent approach to consultation on the part of all the Commission's departments and to make the consultation process more transparent.

In the fields of human, animal and plant health, the issues which the Community has had to address in recent years have highlighted the need to elicit the viewpoints of the players involved in the food chain. This implies greater participation of the players involved in food safety issues. Participation should make it possible to anticipate and pinpoint the nature of the difficulties and uncertainties which the Union may have to address, with an eye to taking decisions and ensuring that the risks can be clearly explained to the public.

Greater transparency at all levels of food safety policy should go a long way towards increasing consumer confidence in the European Union's food safety policy.

Regulation (EC) 178/2002 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<sup>3</sup> provides that: "There shall be open and transparent public consultation, directly or through representative bodies, during the preparation, evaluation and revision of food law, except where the urgency of the matter does not allow it."

Consultation of the parties concerned with food legislation is an important way of ensuring that the Commission's proposals are technically viable, practically applicable and acceptable by all the players involved.

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<sup>1</sup> COM(2001) 428 final adopted by the Commission on 25.07.2001.

<sup>2</sup> COM(2002) 704 final adopted by the Commission on 11.12.2002.

<sup>3</sup> OJ L 31, 01.02.2002.

In order to improve the participation of the players affected by food safety issues, the "White Paper on Food Safety" adopted by the Commission on 12 January 2000<sup>4</sup> proposed to regroup and reorganise the various advisory committees and standing groups by creating a new advisory committee on the food chain and animal and plant health.

The advisory committees affected by this reform include the Advisory Committee on Foodstuffs created by the Commission in 1980<sup>5</sup> and the Advisory Committee on Agricultural Product Health and Safety, as well as certain standing groups attached to it (veterinary matters, plant health, animal welfare, feedingstuffs) established by the Commission Decision of 1998.<sup>6</sup>

All these advisory committees and groups have provided invaluable services to the Commission and have promoted the development of European food law. However, experience to date has shown the need to review the consultation system, to regroup the different existing advisory committees and to improve their operation.

The Commission considers that it is now essential to create a new consultation system making it possible to establish an ongoing dialogue between the Commission's departments and the socio-professional circles involved in the fields covered by food legislation.

Following in-depth consultations with the parties concerned, clear guidelines were developed as to how best to respond to the different consultation needs.

1. New policy, particularly in the field of food safety, is based on an integrated approach to the food chain. All the components of the food chain must therefore be included in the new consultation procedures. It will be possible to cover a very wide range of fields under the new consultation system, including: the labelling and presentation of food and feed, safety of food and feed, human nutrition in relation to food legislation, animal health and animal welfare, and plant health.
2. The abovementioned Regulation 178/2002 provides that there shall be open and transparent public consultation, directly or through representative bodies. The new Commission guidelines on consultation are also clearly in favour of the widest possible consultation of the interested parties.
3. Consultation procedures relating to food must remain manageable, despite the fact that their field and range have increased considerably due to the inclusion of all interested parties associated with the food chain. The progress made in information technologies should be taken into account for this purpose and consultation procedures leading to structured, ongoing dialogue should be based on the consultation of representative European bodies.
4. Having established ongoing consultation procedures, the Commission is never obliged to use such procedures systematically. The Commission may thus still decide to hold direct public consultations if it considers this necessary. Likewise, a state of emergency justifies the use of exceptional procedures or the impossibility of consultation.

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<sup>4</sup> COM(1999)719 final adopted by the Commission on 12.01.2000.

<sup>5</sup> OJ L 318, 26.11.1980.

<sup>6</sup> OJ L 88, 24.03.1998.

That is why the Commission proposes to create a consultation and dialogue mechanism on policy and legislation in the field of food and animal and plant health consisting of several strands as follows:

- the creation of an advisory group whose members will be European bodies selected on the basis of certain specific criteria. The group's working procedures will also enable ad hoc working groups to be set up to study specific issues.
- the creation of a widely accessible information and consultation network for all bodies which can provide evidence that they protect the interests in question.
- reinforcement of existing measures.

## **1. Creation of the advisory group of experts**

In order to have a more "direct" dialogue with representative European bodies at structured meetings, the Commission proposes to create an "Advisory Group on the Food Chain and Animal and Plant Health".

The group will be consulted on the Commission's programme of work in the fields of labelling and presentation of food and feed, the safety of food and feed, human nutrition in relation to food legislation, animal health and animal welfare and plant health. In addition, the Commission will be able to consult the group on any measures which the Commission has to take or propose in these fields.

With a view to optimum consultation, the group will meet at least twice a year in plenary session.

The group will be composed of bodies selected from among the members of the information and consultation network which meet the following criteria: general nature of the interests protected, broadly representative nature, permanently established body with direct access to the expertise of its members, making it possible to give coordinated, swift reactions.

The purpose of these restrictions is to ensure that the group does not become too large to manage, while guaranteeing that bodies representing general interests are included. As the group will be consulted in particular on the Commission's programme of work, it is essential for it to comprise representatives of representative bodies with the most integrated approach to the food chain because of the general interests which they protect.

In view of the vast range of participants and the diversity of interests to be represented, the Commission's departments will chair the Committee, provide secretarial services, and ensure the best possible balance between the different parties represented.

The group's working procedures will also make it possible to create working groups on specific subjects. These working groups are intended both to collect, at an initial or more advanced stage in the legislative process, more technical contributions from the different fields involved, jointly or separately, and to provide information on the implementation of the existing law.

These working groups will be established on the basis of terms of reference set by the group and/or depending on the Commission's requirements, ensuring the best possible balance between the different interest groups represented.

To maximise efficiency, these working group meetings will have to operate flexibly and include all or some of the representative bodies from the Advisory Group as well as other representative European bodies, where necessary. The Commission will also be able to invite other interested bodies or parties, including interested parties from non-Member States invited as observers. The current practice of holding working group meetings does in fact show the benefits of inviting other participants to these meetings.

## **2. The creation of an information and consultation network**

Information and communication technologies have an important role to play in safeguarding the transparency of the Commission's policies.

The Commission will create an information and consultation network, exploiting the opportunities offered by new information technologies and e-government. A website will include proposals for developing food law in general at an appropriate stage during their preparation. The parties concerned will be able to make known their viewpoints and establish an interactive forum.

It is vital to ensure wide access to consultation on the site. A proposal on milk and milk products might interest bodies protecting general interests but will also legitimately concern more sectoral bodies protecting the interests of dairy farmers or the milk industries.

Such a consultation procedure will be of great value to the Commission when defining food legislation. It should also facilitate ongoing dialogue and fruitful discussion between the various parties involved.

## **3. The reinforcement of existing measures**

Finally, other measures already in force will be maintained and reinforced with a view to increasing citizen participation.

Firstly, the Commission's departments will maintain with all the socio-economic players the bilateral contacts which have proven highly useful in identifying the needs and concerns of these partners.

Besides, the Commission will continue actively to inform the general public on food safety issues. The Europa website of the European Union must become an interactive platform for information, dialogue and debate, making it possible to improve information and communications. The information must be presented in a manner tailored to the public's needs and concerns. The idea is to create a transnational space in which citizens from different countries can obtain information on developments in the food safety policies proposed by the Commission.

As regards matters of great interest, the Commission is committed to presenting its proposals to a wide public, as it already did in the White Paper on food safety and in the case of nutritional claims.

In proposing these measures and in compliance with the undertakings given on governance in Europe, the Commission hopes to improve cooperation between all the partners involved in shaping European food policy by developing a genuine culture of consultation and dialogue.

Draft

**COMMISSION DECISION**

**of [...]**

**concerning the creation of an advisory group on the food chain  
and animal and plant health**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas:

- (1) In its White Paper on European Governance adopted on 25 July 2001, the Commission committed itself to opening up the policy-making process in the European Union to get more people and organisations involved in developing and implementing policies.
- (2) On 11 December 2002 the Commission adopted a communication on the "General principles and minimum standards for consultation of interested parties by the Commission"<sup>7</sup>, to ensure a consistent approach to consultation on the part of all the Commission's departments and to make the consultation process more transparent.
- (3) It is necessary for the Commission to consult and inform consumers and socio-professional circles concerned with issues relating to labelling and presentation of food and feed, food and feed safety, human nutrition in relation to food legislation, animal health and animal welfare, as well as plant health.
- (4) Regulation (EC) 178/2002 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 provides for open and transparent public consultation, directly or through representative bodies, during the preparation, evaluation and revision of food law, except where the urgency of the matter does not allow it.
- (5) The White Paper on food safety adopted by the Commission on 12 January 2000 provides for the creation of an Advisory Group on food safety by reorganising the existing advisory committees (Action 81).
- (6) The Advisory Committee on Foodstuffs was established by Commission Decision 80/1073/EEC.

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<sup>7</sup> COM(2002)704 final, adopted by the Commission on 11.12.2002.

- (7) Other advisory committees dealing with matters covered by the common agricultural policy were established by Commission Decision 98/235/EEC.
- (8) Past experience has shown the need to regroup and reorganise the different advisory committees on matters concerning the food chain and animal and plant health and to improve their operation.
- (9) It is essential to establish ongoing systems for the consultation of citizens at European level during the preparation, evaluation and revision of Community food law.
- (10) In view of the need for an integrated approach to the food chain and animal and plant health in order to protect consumers, it is important to include all issues of food legislation in the consultation systems, including aspects relating to the labelling and presentation of food and feed, safety of food and feed, human nutrition in relation to food legislation, animal health, including measures relating to animal welfare, and the various aspects of plant health, such as plant protection, plant protection products and their residues, and conditions for the marketing of seed and propagation material, including biodiversity, and including matters pertaining to industrial property.
- (11) In view of the broad field of consultation in question and the subsequently large number of interested parties, an effective ongoing consultation system will involve the consultation of citizens through bodies representing interests related to the food chain and animal and plant health at European level, although the direct consultation of citizens must still be possible.
- (12) The socio-economic players involved, including consumer associations in Member States, have set up organisations at European Union level to represent interests related to the food chain and animal and plant health at European level.
- (13) The quality of consultation systems depends on a direct dialogue between the Commission and representative European bodies taking place at structured meetings in the context of an advisory group, especially with regard to the Commission's programme of work on food issues.
- (14) For practical reasons connected with the organisation of meetings, the composition of the advisory group should not be too broad; however, adequate representation of the interests of the food chain and animal and plant health should be ensured. As the group will be consulted in particular on the Commission's programme of work, it will in practice be essential for it to embrace the representative bodies that are the most capable of protecting, at European level, general interests connected with the food chain and animal and plant health.
- (15) To ensure that the group works efficiently and transparently, its operating procedures should include the possibility of organising working group meetings which would be open to other interested parties or bodies, where necessary.
- (16) In the interests of clarity, Decision 80/1073/EEC should be repealed.

HAS DECIDED AS FOLLOWS:

*Article 1*

An Advisory Group on the food chain and animal and plant health, hereinafter called the "group", shall be set up and attached to the Commission.

*Article 2*

*Tasks*

1. The Commission shall consult the group on its programme of work in the following fields:
  - food and feed safety;
  - food and feed labelling and presentation;
  - human nutrition, in relation to food legislation;
  - animal health and welfare;
  - matters relating to crop protection, plant protection products and residues thereof, and conditions for the marketing of seed and propagation material, including biodiversity, and including matters pertaining to industrial property.
2. In addition, the Commission will be able to consult the group on any measures which the Commission has to take or propose in these fields.

*Article 3*

*Composition of the group*

1. The group shall be composed of no more than 45 representatives of representative European bodies. These bodies must have as their objective the protection of interests in the fields referred to in Article 2(1) and must meet the following criteria: general nature of the interests protected, representation covering all or most Member States, and permanent existence at Community level with direct access to members' expertise to permit swift and coordinated reactions.
2. Within one month of the date of adoption of this Decision, the Commission shall invite bodies wishing to participate in the group to express their interest within one month, and to explain their interest and the way in which they meet the above criteria.
3. The Commission shall select the bodies which most effectively meet the above criteria and shall draw up a list of bodies to be published in the Official Journal of the European Union.
4. Each body selected shall ensure coordination of consultation and information activities within its own organisation so as to present views of the interests it represents which are as representative as possible.

**Article 4**  
**Working methods**

1. The group shall in principle meet twice a year at the premises of the Commission and whenever the Commission considers a meeting necessary.
2. Working groups may be created to examine specific questions on the basis of terms of reference set by the group or whenever necessary.
3. The Commission may invite experts or observers, including representative bodies from non-Member States, where appropriate or necessary, to participate in the work of the group or working groups.
4. The group and any working groups shall meet according to the arrangements and the timetable set by the Commission, and shall be chaired by the Commission.
5. The group shall adopt its own rules of procedure on the basis of a proposal from the Commission. The Commission's departments shall provide secretarial services for the meetings and work of the group and any working groups. .
6. The Commission shall ensure publicity for the work of the group.

**Article 5**  
**Confidentiality**

Members of the group, ad hoc experts and any other persons invited to the group's meetings as observers shall be under an obligation not to disclose information which has come to their knowledge through the work of the group or its working groups and which has been classified by the Commission as confidential. In such cases, the Commission may decide that only the members of the group may receive such information and attend meetings.

**Article 6**  
**Final provision**

Commission Decision 80/1073/EEC setting up an Advisory Committee on Foodstuffs is repealed.

**Article 7**  
**Entry into force**

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, [...]

*For the Commission*  
[...]  
*Member of the Commission*