



EUROPEAN COMMISSION

Directorate-General Health and Food Safety

Directorate Food sustainability, international relations

INFORMAL COMMISSION EXPERT GROUP ADVISORY GROUP ON SUSTAINABILITY OF FOOD SYSTEMS

TERMS OF REFERENCE

1. BACKGROUND

The Commission's Directorate-General for Health and Food Safety ('DG SANTE') is engaged with stakeholders on matters relating to the food chain through the Advisory Group on the Food Chain and Animal and Plant Health ('AGFC'). This group was established in 2004 by the Commission¹ to consult stakeholders in an open and transparent way at European level during the preparation, revision and evaluation of EU food legislation. More specifically, the AGFC provides the Commission with stakeholders' views on food law matters and specifically on the following issues relating to the food chain: food and feed safety, food and feed labelling and presentation, human nutrition in relation to food legislation, animal health and animal welfare and matters relating to crop protection, plant protection products and residues thereof, and conditions for the marketing of seed and propagation material (including biodiversity and matters pertaining to industrial property thereof).

On 20 May 2020, in the context of the European Green Deal, the Commission adopted the Farm to Fork Strategy for a fair, healthy and environmentally friendly food system². The Farm to Fork Strategy aims to accelerate the transition to sustainable food system. To this end, it announces a number of regulatory and non-regulatory initiatives to be launched to support the transition.

In implementing the Farm to Fork Strategy, the Commission considers appropriate to ensure consultations with all relevant stakeholders. However, issues relating to the implementation of the Farm to Fork Strategy and food systems' sustainability in general go beyond matters of food law that are currently covered by the AGFC. In fact, issues relating to food systems' sustainability require consultation with groups of stakeholders with a broader and deepened range of expertise compared to the existing members of the AGFC. Indeed, to comprehensively address issues relating to sustainable food systems, the presence of relevant stakeholder representatives with further expertise in health/nutrition/marketing, environmental/climate, agriculture/ agronomy/fisheries/aquaculture, and social science areas

¹ Decision 2004/613/EC of 6 August 2004, OJ L 275/17 of 25 August 2004.

² 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.

as well as in digital transformation, and finance areas pertaining to food systems is indispensable.

In light of the above, it is necessary to set up a new Commission expert group with a broader and deepened range of expertise. This group will replace the existing AGFC.

2. SUBJECT MATTER

The Advisory Group on Sustainability of Food Systems ('the AGSFS') is set up.

3. TASKS

The AGSFS' tasks shall be:

1. to assist DG SANTE in the preparation and drafting of legislative proposals and policy initiatives in the following areas: food systems' sustainability and related areas thereof, including food and feed safety, food and feed labelling and presentation, public health and human nutrition in relation to food legislation, animal health and welfare, food/feed production and international relations thereof, new technologies - including biotechnology, in the food system, crop protection, plant protection products and residues thereof, and conditions for the marketing of seed and propagation material (including biodiversity and matters pertaining to industrial property thereof). Food systems' sustainability is to be understood as including all aspects relating to health/nutrition/marketing, environmental/climate, agriculture/agronomy/fisheries/aquaculture, and social science areas as well as in digital transformation, and finance areas pertaining to food systems;
2. to assist DG SANTE in the preparation of delegated acts and in the early preparation of implementing acts (before submission to the committee in accordance with Regulation (EU) N°182/2011) in all of the above-mentioned policy areas;
3. to establish cooperation between the Commission and stakeholders on questions relating to the implementation of Union legislation, programmes, projects and policies in all of the above mentioned policy areas;
4. to bring about an exchange of experience and share best practice in all of the above mentioned policy areas.

4. MEMBERSHIP

1. The AGSFS shall be composed of around 100 members.
2. Members of AGSFS shall be organisations active at the EU level and public entities other than Member States' authorities, such as Union bodies, offices or agencies and international organisations, with expertise relating to food systems' sustainability and the implementation of the Farm to Fork Strategy, including issues relating to food and feed safety, food and feed labelling and presentation, public health and human nutrition in relation to food legislation, animal health and welfare, food/feed production and international relations thereof, new technologies - including biotechnology, in the food system, crop protection, plant protection products and residues thereof, conditions for the marketing of seed and propagation material (including biodiversity, and matters pertaining to industrial property thereof).

3. Members shall nominate their own representatives and shall be responsible for ensuring that they provide a high level of expertise in the above-mentioned areas. DG SANTE may refuse the nomination by an organisation of a representative if it considers this nomination inappropriate in the light of the requirements specified in the call for applications. In such case, the organisation concerned shall be asked to appoint another representative.
4. Organisations which are no longer capable of contributing effectively to the AGSFS' deliberations, which, in the opinion of DG SANTE, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or which resign, shall no longer be invited to participate in any meetings of the AGSFS and may be replaced for the remainder of their term of office.

5. SELECTION PROCESS

1. Public entities shall be appointed by direct invitation.
2. The selection of organisations (type C members) shall be carried out *via* a public call for applications, to be published on the Register of Commission expert groups and other similar entities ('the Register of expert groups'). In addition, the call for applications may be published through other means, including on dedicated websites. The call for applications shall clearly outline the selection criteria, including the required expertise and the interests to be represented in relation to the work to be performed. The minimum deadline for applications shall be four weeks.
3. Registration in the Transparency Register is required in order for organisations to be appointed as members.
4. When selecting the members of groups, DG SANTE shall:
 - a. aim at ensuring, as far as possible, a high level of expertise, a geographical balance, as well as a balanced representation of relevant know how and areas of interest, taking into account the tasks of the AGSFS, the type of expertise required and the response received to calls for applications; and,
 - b. strive a gender balance in the composition of the AGSFS.
5. Organisations shall be appointed as members by the Director-General of DG SANTE from applicants with competence in the areas referred to in section 3 of this terms of reference and which have responded to the call for applications.
6. Members shall be appointed for 5 years. They shall remain in office until the end of their term of office. Their term of office may be renewed.
7. DG SANTE shall establish a reserve list that may be used to appoint members' replacements. DG SANTE shall ask applicants for their consent before including their names on the reserve list.

6. CHAIR

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

7. OPERATION

1. The AGSFS shall act at the request of DG SANTE, in compliance with the Commission's horizontal rules on expert groups³.
2. Meetings of the AGSFS shall, in principle, be held on Commission premises or virtually, depending on the circumstances.
3. DG SANTE shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the AGSFS.
4. In agreement with DG SANTE, the AGSFS may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the AGSFS shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
6. In principle, the AGSFS 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 or abstained 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 the tasks assigned to the AGSFS pursuant to the present terms of reference and depending on the policy areas on which they have been called to assist. Sub-groups shall operate in compliance with the horizontal rules⁴ and shall report to the AGSFS. They shall be dissolved as soon as their mandate is fulfilled.
2. The members of sub-groups that are not members of the AGSFS shall be selected via a public call for applications, in compliance with point 5 above and the horizontal rules⁵.

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 AGSFS (including the relevant sub-groups) on an *ad hoc* basis.

³ C(2016) 3301 of 30.5.2016 establishing horizontal rules on the creation and operation of Commission expert groups

⁴ C(2016) 3301.

⁵ See Articles 10 and 14.2 of C(2016) 3301.

10. RULES OF PROCEDURE

On a proposal by and in agreement with DG SANTE, the AGSFS shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules⁶.

11. PROFESSIONAL SECRECY AND HANDLING OF CLASSIFIED INFORMATION

The members of the AGSFS and their representatives, as well as invited experts 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) 2015/443⁷ and 2015/444⁸. Should they fail to respect these obligations, the Commission may take all appropriate measures.

12. TRANSPARENCY

1. The AGSFS shall be registered in the Register of expert groups.
2. As concerns the AGSFS membership composition, and in particular the following data shall be published on the Register of expert groups:
 - (a) the name of public entities, such as Union bodies, offices or agencies and international organisations;
 - (b) the name of member organisations; the interest represented shall be disclosed.
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° 1049/2001⁹.
4. Personal data should be processed in accordance with Regulation (EU) No 2018/1725¹⁰ of the European Parliament and of the Council.

⁶ See Article 17 of the horizontal rules.

⁷ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁸ 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).

⁹ Regulation (EC) 1049/2001 of the regarding public access to European Parliament, Council and Commission documents, L 145/43 of 31.5.2001. 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.

¹⁰ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98.

13. MEETING EXPENSES

1. Participants in the activities of the AGSFS and its sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the AGSFS and sub-groups shall not be reimbursed by the Commission.

Done in Brussels, on 12 November 2021.