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[...] (2023) **XXX** draft

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of **XXX****

**on amending Regulation (EC) No 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority**

(Text with EEA relevance)

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 lays down the general principles and requirements of food law, establishes the European Food Safety Authority and lays down procedures in matters of food safety<sup>1</sup>.

Article 28 of Regulation (EC) No 178/2002 sets up ten scientific panels responsible for providing the scientific opinions of the European Food Safety Authority ('the Authority'), each within their own spheres of competence. Those panels include, among others, the Panel on food contact materials and enzymes and processing aids.

The second subparagraph of Article 28(4) of Regulation (EC) No 178/2002 empowers the Commission to adopt delegated acts in accordance with Article 57a of that Regulation amending the first subparagraph of Article 28(4) as regards the number and names of the Scientific Panels, in the light of technical and scientific development, at the Authority's request.

Despite the adoption of a relatively high number of scientific opinions per year, the Panel on food contact materials and enzymes and processing aids faces difficulties in managing its workload.

On 1 August 2023, the Authority submitted a request to the Commission to split the Panel on food contact materials and enzymes and processing aids into two newly created Panels in order to address the existing stock of questions and expected increased workload, especially in the context of the Commission's work on establishing the EU list of authorised food enzymes.

The creation of these two new Panels is expected to improve the operational efficiency and effectiveness of the Authority's scientific work in the respective areas. The work of the new panels would become targeted and dedicated to the fields of enzymes and food contact materials, supporting a more efficient distribution of workload and use of the available expertise. It would improve the capacity of the Authority to assess the stock of questions in support of the Commission's work on establishing the EU list of authorised food enzymes, while continuing its work on food contact materials.

Therefore, this Delegated Regulation aims to amend Regulation (EC) No 178/2002 as regards the number and names of the Scientific Panels, in the light of technical and scientific development, at the Authority's request. In particular, it will split the Panel on food contact materials and enzymes and processing aids into two newly created Panels named respectively "the Panel on food enzymes" and "the Panel on food contact materials, decontamination substances and extraction solvents".

The current term of office of the Panel on food contact materials and enzymes and processing aids will come to an end on 30 June 2024. The Authority is currently in the process of selecting the Panel experts for the 5-years term to start on 1 July 2024 and the two newly created Panels should be effective from that date.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

Member States' experts were consulted in writing in the context of the Expert Group on General Food Law and Sustainability of Food Systems<sup>2</sup> between [dd/mm/2023] and

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<sup>1</sup> OJ L 31 of 1.2.2002, p. 1.

[dd/mm/2023]. [Once the consultation process is closed, a summary of the comments received will be included in this section].

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The legal basis of this delegated Regulation is the second subparagraph of Article 28(4) of Regulation (EC) No 178/2002. According to that provision, the Commission is empowered to adopt delegated acts in accordance with Article 57a of that Regulation amending the first subparagraph of Article 28(4) as regards the number and names of the Scientific Panels, in the light of technical and scientific development, at the European Food Safety Authority request.

Article 1 lays down the amendments to Regulation (EC) No 178/2002 adapting the number and names of the Authority's scientific Panels.

Article 2 specifies the dates of the entry into force and application of this Delegated Regulation.

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<sup>2</sup> Reference E03020 in the Register of Commission Expert Groups and other similar entities.

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of XXX**

**on amending Regulation (EC) No 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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<sup>3</sup>, and in particular the second subparagraph of Article 28(4) thereof,

Whereas:

- (1) Article 28 of Regulation (EC) No 178/2002 sets up ten scientific panels responsible for providing the scientific opinions of the European Food Safety Authority ('the Authority'), each within their own spheres of competence. Those panels include, among others, the Panel on food contact materials and enzymes and processing aids.
- (2) Despite the adoption of a relatively high number of scientific opinions per year, the Panel on food contact materials and enzymes and processing aids faces difficulties in managing its workload.
- (3) On 1 August 2023, the Authority submitted a request to the Commission to split the Panel on food contact materials and enzymes and processing aids into two newly created Panels in order to address the existing stock of questions and expected increased workload, especially in the context of the Commission's work on establishing the EU list of authorised food enzymes.
- (4) The creation of these two new Panels is expected to improve the operational efficiency and effectiveness of the Authority's scientific work in the respective areas. The work of the new panels would become targeted and dedicated to the fields of enzymes and food contact materials, supporting a more efficient distribution of workload and use of the available expertise. It would improve the capacity of the Authority to assess the stock of questions in support of the Commission's work on establishing the EU list of authorised food enzymes, while continuing its work on food contact materials.
- (5) It is therefore appropriate and necessary to split the Panel on food contact materials and enzymes and processing aids into two newly created Panels named respectively "the Panel on food enzymes" and "the Panel on food contact materials, decontamination substances and extraction solvents". The assessment of processing aids could be relevant for both newly created panels, depending on the character of the processing aid under consideration and its intended use. Therefore, it is not necessary

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<sup>3</sup> OJ L 31 of 1.2.2002, p. 1.

to specifically include the reference to processing aids in the titles of the newly created panels, so as to ensure flexibility to assign their assessment to the most relevant panel.

- (6) The current term of office of the Panel on food contact materials and enzymes and processing aids will come to an end on 30 June 2024. The Authority is currently in the process of selecting the Panel experts for the 5-years term to start on 1 July 2024 and the two newly created Panels should be effective from that date. Therefore, this Regulation should apply as from 1 July 2024.
- (7) Regulation (EC) No 178/2002 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

#### *Article 1*

In Article 28(4) of Regulation (EC) No 178/2002 the first subparagraph is amended as follows:

- 1) point (j) is replaced by the following:  
“(j) the Panel on food enzymes;”
- 2) the following new point (k) is added:  
“(k) the Panel on food contact materials, decontamination substances and extraction solvents.”

#### *Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union* and shall apply from 1 July 2024.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*