

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

CHAPTER III

EUROPEAN FOOD SAFETY AUTHORITY

SECTION 4

INDEPENDENCE, TRANSPARENCY, CONFIDENTIALITY AND COMMUNICATION

Article 37

Independence

1 The members of the Management Board, the members of the Advisory Forum and the Executive Director shall undertake to act independently in the public interest.

For this purpose, they shall make a declaration of commitment and a declaration of interests indicating either the absence of any interests which might be considered prejudicial to their independence or any direct or indirect interests which might be considered prejudicial to their independence. Those declarations shall be made annually in writing.

2 The members of the Scientific Committee and the Scientific Panels shall undertake to act independently of any external influence.

For this purpose, they shall make a declaration of commitment and a declaration of interests indicating either the absence of any interests which might be considered prejudicial to their independence or any direct or indirect interests which might be considered prejudicial to their independence. Those declarations shall be made annually in writing.

3 The members of the Management Board, the Executive Director, the members of the Advisory Forum, the members of the Scientific Committee and the Scientific Panels, as well as external experts participating in their working groups shall declare at each meeting any interests which might be considered prejudicial to their independence in relation to the items on the agenda.

Article 38

Transparency

1 The Authority shall ensure that it carries out its activities with a high level of transparency. It shall in particular make public without delay:

- a agendas and minutes of the Scientific Committee and the Scientific Panels;

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Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 178/2002 of the European Parliament and of the Council, SECTION 4. (See end of Document for details)

- b the opinions of the Scientific Committee and the Scientific Panels immediately after adoption, minority opinions always being included;
- c without prejudice to Articles 39 and 41, the information on which its opinions are based;
- d the annual declarations of interest made by members of the Management Board, the Executive Director, members of the Advisory Forum and members of the Scientific Committee and Scientific Panels, as well as the declarations of interest made in relation to items on the agendas of meetings;
- e the results of its scientific studies;
- f the annual report of its activities;
- g requests from the European Parliament, the Commission or a Member State for scientific opinions which have been refused or modified and the justifications for the refusal or modification.

2 The Management Board shall hold its meetings in public unless, acting on a proposal from the Executive Director, it decides otherwise for specific administrative points of its agenda, and may authorise consumer representatives or other interested parties to observe the proceedings of some of the Authority's activities.

3 The Authority shall lay down in its internal rules the practical arrangements for implementing the transparency rules referred to in paragraphs 1 and 2.

Article 39

Confidentiality

1 By way of derogation from Article 38, the Authority shall not divulge to third parties confidential information that it receives for which confidential treatment has been requested and justified, except for information which must be made public if circumstances so require, in order to protect public health.

2 Members of the Management Board, the Executive Director, members of the Scientific Committee and Scientific Panels as well as external experts participating in their working groups, members of the Advisory Forum and members of the staff of the Authority, even after their duties have ceased, shall be subject to the requirements of confidentiality pursuant to Article 287 of the Treaty.

3 The conclusions of the scientific opinions delivered by the Authority relating to foreseeable health effects shall on no account be kept confidential.

4 The Authority shall lay down in its internal rules the practical arrangements for implementing the confidentiality rules referred to in paragraphs 1 and 2.

Article 40

Communications from the Authority

1 The Authority shall communicate on its own initiative in the fields within its mission without prejudice to the Commission's competence to communicate its risk management decisions.

2 The Authority shall ensure that the public and any interested parties are rapidly given objective, reliable and easily accessible information, in particular with regard to the results

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of its work. In order to achieve these objectives, the Authority shall develop and disseminate information material for the general public.

3 The Authority shall act in close collaboration with the Commission and the Member States to promote the necessary coherence in the risk communication process.

The Authority shall publish all opinions issued by it in accordance with Article 38.

4 The Authority shall ensure appropriate cooperation with the competent bodies in the Member States and other interested parties with regard to public information campaigns.

[^{F1}Article 41

Access to documents

1 Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding access to European Parliament, Council and Commission documents⁽¹⁾ shall apply to documents held by the Authority.

2 The Management Board shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 within six months after the entry into force of Regulation (EC) No 1642/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 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⁽²⁾.

3 Decisions taken by the Authority pursuant to Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the EC Treaty respectively.]

Textual Amendments

- F1** Substituted by [Regulation \(EC\) No 1642/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation \(EC\) No 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.](#)

Article 42

Consumers, producers and other interested parties

The Authority shall develop effective contacts with consumer representatives, producer representatives, processors and any other interested parties.

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Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 178/2002 of the European Parliament and of the Council, SECTION 4. (See end of Document for details)

- (1) [^{F1}OJ L 145, 31.5.2001, p. 43.]
- (2) [^{F1}OJ L 245, 29.9.2003, p. 4.]

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- F1** Substituted by Regulation (EC) No 1642/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 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.

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