

EXECUTIVE OFFICE

53rd Meeting of the EFSA Management Board
Minutes of the Public Session
Parma, 14 June 2012, 09.00 h

Members of the Management Board present

Sue Davies (Vice-Chair)	Stella Michaelidou-Canna
Piergiuseppe Facelli (Vice-Chair)	Jiri Ruprich
Manuel Barreto Dias	Paola Testori Coggi
Matthias Horst	Sinikka Turunen
Milan Kováč	Piet Vanthemsche

Apologies: Milan Pogačnik, Jan Mousing, Marianne Elvander

Staff of the European Food Safety Authority present

Catherine Geslain-Lanéelle (Executive Director)	Anne-Laure Gassin
Per Bergman	Pedro Pinhal
Gian Luca Bonduri	Olivier Ramsayer
David Caira	Alberto Spagnolli
Hubert Deluyker	Bernhard Url
Dirk Detken	

Also attending:

Vittorio Silano, Chair of EFSA's Scientific Committee

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SUMMARY OF DECISIONS

The Management Board:

- Adopted the agenda unchanged;
- Appointed of the members of the Scientific Committee and eight Scientific Panels and placed the suitable candidates in the reserve list;
- Adopted EFSA's Multi-Annual Staff Policy Plan 2013-2015 subject to the changes mentioned in the discussion;
- Adopted the Opinion on EFSA's annual accounts for the financial year 2011;
- Adopted the Work Programme on Grants and Procurement for 2013;
- Adopted the amendments to the Art. 36 list of organisations;
- Adopted the Decision on the Renewal of EFSA's Stakeholder Consultative Platform.

The Management Board also:

- Noted EFSA's Executive Director progress report and congratulated the EFSA Executive and staff on their achievements;
- Noted the Commission's update on the impact assessment study on fees;
- Noted the execution and transfers in EFSA's 2012 budget;
- Noted the update from the Audit Committee;
- Noted the update from the Committee on EFSA's 2011 External Evaluation.

Item 1: Welcome and opening of the meeting

1. Following the Board's Chair resignation on 8 May 2012, and in agreement with the other Board Members, Sue Davies (Vice-Chair) took the chairmanship of the meeting in application of art. 2(7) of the Rules of Procedure of EFSA's Management Board. She informed the public that a new Chair will be elected at the October meeting by the renewed Management Board.
2. She stressed that, since the public may perceive that the former Chair's resignation could potentially raise issues of independence in relation to the important work of the Management Board, EFSA has carefully examined all of the decisions taken by the Board in the last two meetings to assess the possibility of undue influence on any of the decisions taken. EFSA concluded that no undue influence was exerted.
3. The Vice-Chair opened the Public Session of the 53rd Board meeting by welcoming the fellow members, EFSA Executive Director, EFSA Management Team members, Chair of the Scientific Committee, audience in Parma, stakeholders, experts and staff members. Apologies were received from Milan Pogačnik, Jan Mousing and Marianne Elvander.
4. The Vice-Chair invited the Board members to declare any general or specific interest they may have in addition to those declared with their DoI (Declaration of Interest). When discussing the agenda point n. 10 "Renewal of EFSA's Stakeholder Consultative Platform" (see below), Piet Vanthemsche declared being a member of COPA, and Sue Davies declared to be member of *Which?* that is a member of BEUC. The Board considered that no conflict of interest existed.

Item 2: Adoption of the draft agenda

5. The agenda of the meeting was adopted unchanged.

Item 3: Executive Director's progress report

6. The Vice-Chair invited the Executive Director to present her progress report.
7. The Executive Director gave an overview of the scientific activities carried out by EFSA from 1st March to 31st May 2012 highlighting, among others: EFSA's work on the possible risks for the animal and public health caused by the "Schmallenberg" virus; regulatory assessment activities performed in the areas of food and feed additives, food contact materials, flavourings, pesticides and others; post-market environmental monitoring in the field of GMO; and opinions adopted on 'Risk assessment terminology' and 'Threshold of toxicological concern (TTC)', as well as the new version of the Compendium on botanicals. She highlighted the publication online of short video-clips aimed at helping the public to better understand EFSA's work in food and feed risk assessment, and commented on the success of the information and communication activities performed in the framework of the "Festa per l'Europa" from 9 to 13 May. She also briefly informed the Board on EFSA's institutional activities highlighting the visit of the Environmental, Public Health and Food Safety Committee (ENVI) of the European Parliament, the meeting of the Stakeholder Consultative Platform, the meeting of the Codex Alimentarius in EFSA's premises, the Trans-Atlantic Consumer Dialogue conference, and the visit to the US Food and Drug Administration. A separate PowerPoint presentation is available online for a detailed description.
8. Congratulating the Executive Director on the outcomes achieved in the reporting period, the Board addressed her with questions on: the report drafted by the Emerging Risk Unit on 'Food commodity prices'; EFSA's work on the French safeguard clause on GM maize MON 810; the Authority's level of commitment and payment execution; the progress on EFSA's work on dietary reference values for micro-nutrients; and the pilot project on the opening-up of Panel meetings to the attendance of observers. In addition, the Board commented on the importance of the work that EFSA is carrying out with reference to the "Schmallenberg" virus, the bee population, and Aspartame (the safety assessment of which is among the main priorities of the European Commission). The members also congratulated EFSA for the publication online of the video-clips aimed to explain EFSA's work in food and feed risk assessment, as well as for the successful activities performed in the framework of the "Festa per l'Europa". A Board member proposed to widely distribute the progress report of the Executive Director, which would provide the public with a clear source of information on EFSA's work and performance.

9. The Executive Director thanked the Board members for their support. She informed the meeting that EFSA had been requested to assess new scientific data on the GM maize MON 810 and that it concluded that no new scientific evidence would suggest the revision of its previous opinions on this matter. Compared to the previous year, she highlighted EFSA's progress in terms of budget execution and payments, especially in the area of grants and procurement, and committed the Authority to further improve its performance. Explaining that EFSA waited for the finalisation of a research project called "EURRECA" (funded by the EU Framework Programme), the Executive Director updated the meeting on the progresses in the related field of dietary reference values for micro-nutrients. On the participation of observers in the plenary meetings of the Scientific Committee and Scientific Panels, she commented on the positive outcomes of the pilot project and informed the Board that all Panels will hold a plenary meeting where observers can participate and interact with the scientists in a dedicated Q&A (questions and answers) session. Hubert Deluyker (Science Strategy and Coordination) explained that the work carried out by the Emerging Risk Unit on 'Food commodity prices' aimed at seeing if those could be of potential use as drivers for emerging risks. He said that, due to their high fluctuation, EFSA concluded that the monitoring of food commodity prices would be of very limited use for its monitoring of emerging risks.
10. The Board noted the Executive Director's progress report and asked her to convey their gratitude to EFSA's scientific experts and staff for the excellent work they performed.

Item 4: Appointment of members of the Scientific Committee and eight Scientific Panels and placement of suitable candidates in the reserve list

11. The Vice-Chair informed the meeting that the Board had to adopt amendments to the list of Panel members adopted on 14 March 2012 because some of the experts could not take up their positions for a variety of reasons. She said that for the sake of clarity and transparency the Board would be asked to adopt a consolidated list of members of the Scientific Committee and Scientific Panels, as well as the reserve list of suitable candidates. Before inviting Hubert Deluyker (Science Strategy and Coordination) to introduce the agenda item, she clarified that the Board had discussed this subject at the Private Session the previous day in order to cover any confidential or individual issues, but that the adoption of the list of Panel members would be made in Open Session.
12. Hubert Deluyker explained that EFSA had contacted all experts appointed in March asking them to confirm their availability and update their declarations of interest. For various reasons, ten of those experts could not be confirmed. To replace them, EFSA recommended that the Board appoint eight experts drawn from the reserve list. Hubert Deluyker clarified that the replacement of those experts did not significantly impact on the statistics related to their age, gender and geographical origin. A separate PowerPoint presentation is available online for a detailed description.
13. A Board member stressed that the selection of the Panel members had been performed by EFSA in strict accordance with the relevant rules as well as the Policy on Independence. The Management Board confirmed that all procedures had been carefully applied and that no undue influence had been exerted on EFSA's evaluation committee.
14. The Commission representative member noted that the Panel on Plant Protection Products and their Residues (PPR) had only 19 members, most of whom were from northern European countries. As two additional experts will have to be appointed in this Panel, she asked EFSA to consider the selection of scientists from southern European countries, since in the field of pesticides quite important differences exist between northern and southern Europe. EFSA noted the suggestion and clarified that the PPR Panel already includes three experts from southern European countries who had a very high and relevant expertise in the field of pesticides and environmental risk assessment.
15. Another member underlined that five out of the ten above-mentioned experts were not confirmed because of conflicts of interest emerging from their updated declarations, and highlighted the effectiveness with which EFSA applies the Policy on Independence.
16. The Board adopted the amendments to the decision appointing the members of the Scientific Committee and Scientific Panels dated 14 March 2012, and adopted the consolidated decision on the appointment of experts in

the AHAW, BIOHAZ, CONTAM, FEEDAP, GMO, NDA, PLH, PPR Scientific Panels and the Scientific Committee, as well as the placement on the reserve list of suitable candidates.

Item 5: Multi-Annual Staff Policy Plan 2013-2015

17. The Vice-Chair invited Olivier Ramsayer (Resources and Support) to introduce the agenda item.
18. Highlighting the main elements and orientations of EFSA's staff policy in the coming years, Olivier Ramsayer commented on the Commission's request to reduce the establishment plan by 5% over the next five years and highlighted that EFSA had already decreased its statutory staff by 1%, starting from 2013. He clarified that the present uncertainties on EFSA's workload level in 2014 and 2015 do not allow the Authority to already plan a further contraction of its establishment plan. Olivier Ramsayer described the main features of EFSA's new approach to Human Capital and Knowledge Management and emphasised that by 2015 the proportion of 'knowledge workers' and 'support staff' is expected to become respectively 70% and 30% of EFSA's total staff. In parallel, by 2015 EFSA plans to decrease to 20% the staff employed in 'governance and administration', and increase to 80% the staff engaged in 'core business activities'. EFSA will work to strengthen its capacity to rely on a stable body of competences through enhanced working practices and initiatives to develop the scientific and professional skills of its staff. In addition, the Authority will reinforce the career structure through the definition of clear paths linked to development opportunities and in compliance with the regulatory framework. A separate PowerPoint presentation is available online for a detailed description.
19. Questions and comments were received on: the difference between 'support staff' and 'staff working in governance and administration'; the annual turnover ratio; the importance of feeding the outcomes of the external evaluation into EFSA's future strategy on staff; the difference between 'temporary agents' and 'contract agents'; the request to differentiate, among staff members with the same nationality, between assistants (AST), administrators (AD) and contract agents (CA); the need to ensure that the increase of knowledge workers will not require an increase of the budget allocation for staff costs; EFSA's alignment to the Commission's revised policy on staff promotion and reclassification; the need for EFSA to apply the Staff Regulation nomenclature for its managerial positions; the training initiatives targeting EFSA's knowledge workers; and EFSA's future plans for the recruitment of Seconded National Experts.
20. Olivier Ramsayer informed the Board that EFSA's average annual staff turnover is between 5 and 7%, which is mostly in line with that of the other EU Agencies. Overall it highlights that the staff appreciate EFSA's working environment. He agreed with the suggestion to take the outcomes of the external evaluation into account when planning EFSA's future staff policy, and added that also the medium-term planning agreed with the Commission is a fundamental reference document to anticipate EFSA's future needs in terms of human and knowledge resources. He clarified that, among others, the main difference between 'temporary' and 'contract' agents lies on the level of responsibility borne by these categories of workers, being higher for temporary agents than for contract agents. He confirmed that the increase of knowledge workers will not have any budgetary implications and that in 2013 EFSA will allocate to staff costs the same amount allocated in 2012. On the promotion and reclassification policy, he said that EFSA is strictly liaising with the Commission services. Regarding the recruitment of Seconded National Experts, Olivier Ramsayer highlighted the difficulties in attracting experts from the Member States and informed the meeting that in January EFSA published a new call for the recruitment of national experts.
21. The Board adopted EFSA's Multi-Annual Staff Policy Plan 2013-2015 subject to the changes mentioned in the discussion.

Item 6: Accounts 2011 financial statement

22. The Vice-Chair invited Pedro Pinhal (Accounting officer) to present the Board with EFSA's accounts for the financial year 2011.
23. Pedro Pinhal introduced the accounting cycle, which requires that EFSA's Management Board provide its opinion based on the information received by EFSA's accounting officer and the European Court of Auditors (CoA). He emphasised that on 12 June 2012 EFSA received the CoA preliminary observations on EFSA's accounts 2011, which state that the transactions carried out by EFSA "are legal and regular in all material respects". In 2011 EFSA received € 75,498,300 from the Commission's DG Health and Consumers and € 522,090 from the DG Enlargement. EFSA's liquidity produced bank interest of € 190,976.12, which the

Authority reimbursed to the European Commission. EFSA committed 99% of its 2011 budget and processed approximately 20,000 payment transactions. A separate PowerPoint presentation is available online for a detailed description.

24. The Chair of the Audit Committee informed the meeting that the Committee received from the accounting officer a comprehensive overview on EFSA's accounts and balance sheet, and discussed on the preliminary observations of the European Court of Auditors. While stating that EFSA's transactions in 2011 were regular and legal, the CoA commented on the weakness of EFSA's capacity to plan and implement its budget. The Chair said that the Audit Committee will ensure that the necessary actions are put in place to address the Court of Auditor's remark. The CoA also commented on the amount of interest that EFSA will pay to finance the purchase of its building and questioned whether a more economical financing model could have been sought by the budgetary authority (which is the European Commission and not EFSA). The Audit Committee also discussed the discharge of EFSA's budget 2010 and noted that the reasons given by the European Parliament for postponing the discharge refer to issues that are not strictly budgetary, i.e.: the cost of EFSA's Management Board meetings and EFSA's capacity to manage conflicts of interests.
25. The Executive Director complemented the information provided by the Chair of the Audit Committee by saying that EFSA is preparing the dossier with the documents and additional information required by the European Parliament, which will be submitted by the end of June. With reference to the cost of the Management Board meetings, she clarified that the critics refer to the average cost of those meetings in 2010, which has been substantially decreased to a level lower than that of the other EU agencies.
26. A Board member asked additional information on the remarks of the Court of Auditors on EFSA's recruitment procedures. Olivier Ramsayer (Resources and Support) underlined that whilst the CoA did not question the legality and regularity of EFSA's procedures, it gave indications on the need to improve it through actions that EFSA had already partially implemented last year. He also clarified that the Court of Auditors' report is still in a preliminary status and that its contents are likely to be revised on the basis of the additional information and clarifications that EFSA will provide.
27. The Board adopted the Opinion on EFSA's annual accounts for the financial year 2011.

Item 7: 2013 work programme on Grants and Procurement

28. The Vice-Chair invited Huber Deluyker (Science Strategy and Coordination) to introduce the item.
29. Huber Deluyker presented EFSA's 2013 work programme for grants and procurement highlighting that a structured scientific cooperation with the Member States' institutions and organisations is strategically important for EFSA. He commented on the gradual increase of financial resources allocated to the scientific cooperation programme since 2008, and informed the meeting that in 2013 EFSA plans (subject to the approval of its budget by the EU budgetary authorities) to further increase that allocation by approximately € 1.5 million. Stressing the need for solid planning, he explained that EFSA is working to structure its scientific cooperation programme within a more efficient multi-annual framework. Concluding, Hubert Deluyker described EFSA's scientific areas involved in the cooperation programme and highlighted the increase of resources allocated to the area of 'evaluation of products, substances and claims subject to authorisations'.
30. Questions and comments were received on: the management of conflicts of interest in the framework of the cooperation programme; the proportion between the expected number of projects and the resources allocated to the scientific cooperation programme in 2012 and 2013; and the distribution of funds between the areas involved in the scientific cooperation programme.
31. Hubert Deluyker underlined that EFSA's Policy on Independence and Scientific Decision-Making Processes and its Implementing Rules foresee the procedures ensuring that EFSA prevents any conflicts of interest while working with the Member States' scientific institutions. He explained that the administrative burden on the scientific institutions is similar for small and large projects, which can discourage many of them from applying for smaller projects. As some of EFSA's calls had been unsuccessful because of the unattractiveness of their financial allocation, EFSA is considering decreasing the number of projects while at the same time increasing their scope and financial allocation. Hubert Deluyker commented on the wide scope of the area on 'data collection, scientific cooperation and networking' and clarified that a substantial number of activities performed

in this area aim to support the scientific activities carried out within the other units (i.e.: 'evaluation of products and substances', and 'scientific opinions and risk assessment approaches').

32. The Board adopted the Work Programme on Grants and Procurement for 2013.

Item 8: Amendments to the Art. 36 list of organisations

33. Huber Deluyker (Science Strategy and Coordination) informed the meeting of EFSA's proposal to add three new organisations (one Slovenian, one Bulgarian and one French) to the Art. 36 list. He also commented on substantial changes with reference to an organisation already included in that list.

34. The Board adopted the amendments to the Art. 36 list of organisations.

Item 9: Renewal of the Stakeholder Consultative Platform

35. The Vice-Chair invited Huber Deluyker (Science Strategy and Coordination) to introduce the item.
36. Hubert Deluyker reminded the meeting that the Stakeholder Consultative Platform (hereafter "the Platform") was created in 2005 to foster cooperation between EFSA and its stakeholders, and that in 2010 the Board decided that the Platform would be composed of 24 organisations. Presenting the procedure that EFSA followed to select the proposed organisations, he highlighted the strict application of the eligibility and assessment criteria detailed in the Call for expression of interest published on 2 February 2012. EFSA received 57 applications, 16 of which did not comply with the eligibility criteria. 41 applications were thoroughly assessed and eventually EFSA recommended to the Board to appoint 24 organisations: two representing consumers, five representing NGOs active in the fields of food and feed safety, seven representing farmers and primary producers, six representing food industry, and four representing trade and catering sectors. 18 of these organisations were already members of the Platform, whilst six of them are new members. A separate PowerPoint presentation is available online for a detailed description.
37. Questions and comments were received on: the reasons for the non-selection of the six former member organisations from the Platform; the capacity of stakeholders not included in the Platform to engage in dialogue with EFSA; the absence, among the Platform members, of organisations representing the catering sector; and the allocation of four seats to consumer organisations.
38. Hubert Deluyker explained that, of the former six member organisations, one did not reapply, one did not comply with the eligibility criteria, and four, at the end of the assessment procedure, scored lower than other organisations. He clarified that the Platform is not EFSA's only mechanism for dialogue with its stakeholders and emphasised the forthcoming creation of stakeholder working groups dedicated to activities on specific subjects. He acknowledged that the catering sector is somehow underrepresented on the Platform, and explained that the contributions from caterers is often more relevant in the field of risk management rather than risk assessment. In order to guarantee a balanced representation of the different sectors of the food and feed chain, Hubert Deluyker confirmed that to BEUC are allocated four seats on the Platform.
39. The Board adopted the new composition of the Stakeholder Consultative Platform, which will enter into force on 1st July 2012 and be valid for three years. The Board also noted EFSA's proposal to set up stakeholder working groups, which could involve organisations that are not members of the Platform.

Item 10: Update on the Commission's impact assessment study on fees

40. The Vice-Chair invited the Commission representative to update the Board on the status of the impact assessment study that the Commission is carrying out in order to deliberate on the pros and cons of the application of a fee system to EFSA.
41. The Commission representative informed the Board that the impact assessment study had been finalised and will be presented to the Impact Assessment Board in mid-July. Four options have been identified: 1. No change to the current *status quo*; 2. Introduction of fees to any kind of application (i.e. both generic and specific, new authorisations or requests for renewals, etc.); 3. Application of fees only when it is the authorisation holder that submits the application file; and 4. Application of fees only in relation to the provision of specific services (i.e.: advice to producers, pre-submission assessment, etc.). The Commission is preparing its recommendation for the Impact Assessment Board.

42. The Board noted the Commission's update on the impact assessment study on fees.

Item 11: Gender balance and geographical diversity: actions to encourage applications for Panel membership from all Member States

43. The Vice-Chair invited Huber Deluyker (Science Strategy and Coordination) to introduce the item.
44. Hubert Deluyker explained that EFSA had examined possible ways to enhance gender and geographic balance among the members of the Scientific Panels. Referring to EFSA's actions to promote the calls for expression of interest, he highlighted that the primary source of information for the experts remains EFSA staff even though the Authority had once advertised the call in European leading newspapers. EFSA compared the data on the population of the different EU countries with the number of applications from those countries, and saw that whilst for nearly all Member States the correlation was linear, the number of applications from Italian experts is proportionally very high (probably due to the fact that EFSA is located in Parma), and the number of applications from Poland and Romania are significantly low. In order to stimulate applications from the central-eastern European countries, in 2008 EFSA organised seminars in Warsaw and Budapest, resulting in only a modest increase of applications from those countries. Hubert Deluyker commented on the proportion of men and women among the scientific experts, noting that the number of applications from men doubles that of women, and that at the end of the assessment process 75% of the Panel members are male whilst only 25% are female. Concluding, Hubert Deluyker proposed some initiatives to increase the awareness of the calls and stimulate applications from all Member States: organise targeted events in the EU countries, invest in training opportunities for scientific experts (i.e. the initiative Better Training for Safer Food of the European Commission), involve experts in working groups, and closely collaborate with the Advisory Forum and Focal Points. A separate PowerPoint presentation is available online for a detailed description.
45. A Board member said that it would prove difficult to identify effective measures to improve the gender balance among EFSA's Panel members as in some Member States certain scientific disciplines employ mainly men or women depending on their subject. Another Board member noted that whilst the proportion of male/female among EFSA's scientific experts is 75%-25% respectively, the proportion is 35%-65% among EFSA staff members.
46. The Board noted the document on "Gender balance and geographical diversity: actions to encourage applications for Panel membership from all Member States" and agreed with the initiatives proposed by EFSA.

Item 12: 2012 Budget execution and transfers

47. Olivier Ramsayer (Resources and Support) informed the Board on the execution level of EFSA's 2012 budget. At 31st May, EFSA had committed 46.94% of its budget, whilst in terms of payments EFSA has executed 32.15% of its appropriations. Compared to last year, the level of commitment for grants and procurement is improved, but it remains below the target for this time of the year. The level of payments is mostly in line with the target for the period, with some delays in 'Communications and dialogue' and 'Governance and administration', which however do not raise concerns on the capacity to achieve the yearly target. The transfers executed by the Executive Director between Titles and Chapters represent 0.34% of EFSA's 2012 budget, which respects the limits imposed by the Financial Regulations. These transfers were made in order to adjust the allocations for staff costs, software maintenance and the scientific cooperation programme.
48. The Board noted the document on EFSA's 2012 budget execution and transfers.

Item 13: Update from the Audit Committee

49. The Chair of the Audit Committee gave feedback on the discussion held during the Committee meeting on the previous day. The Committee noted the report on the postponement of the discharge of EFSA's budget 2010 and the preliminary observations of the European Court of Auditors on EFSA's annual accounts 2011. The Committee noted a comprehensive report on the audits of the Court of Auditors and the activities performed by EFSA's Internal Auditor, which the Committee considered fully satisfactory and in line with the objectives set for the year.
50. The Board noted the update from the Audit Committee.

Item 14: Update on the external evaluation of EFSA

51. The Vice-Chair, in her function of Chair of the Steering Committee on EFSA's External Evaluation, informed the Board on the discussion held the previous day with the consultants. She said that the Steering Committee felt there was need to better balance the different components of the evaluation report (i.e.: the feedback of EFSA's stakeholders via interviews and questionnaires; the benchmarking exercise with EMA, ECHA and the Dutch and UK national agencies; and the analysis of EFSA's processes). By the end of June the Steering Committee will receive a revised report, which will be tabled for discussion with all Board members at the October meeting.
52. The Board noted the update on the external evaluation of EFSA.

Item 15: Any other business

53. In closing the meeting, the Vice-Chair wished to thank the members leaving the Board (Matthias Horst, Sinikka Turunen and Milan Pogačnik) for having made their considerable skills and experience available to the Authority and for their contribution to EFSA's work over the past years. Similarly, she thanked Prof. Silano, who has been Chair of the Scientific Committee for nine years and will move on 1st July to the Panel on Contaminants in the Food Chain.
54. The Vice-Chair thanked the Board members, EFSA's Executive Director, Members of her Management Team, the Chair of the Scientific Committee, EFSA staff, the experts working in EFSA Panels and Scientific Committee, the audience in Parma and the technicians. She reminded the audience that the meeting of the renewed Management Board will be held in Parma on 18 October.

END

Actions Arising

Meeting reference	Action	Deadline	Status
June 14, 2012	EFSA to revise the Multi-Annual Staff Policy Plan 2013-2015 as mentioned in the discussion.	ASAP	Done