



European Food Safety Authority

RULES OF PROCEDURE OF THE MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY

Having regard to Regulation (EC) No 178/2002¹ 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 and in particular to Chapter III thereof,²

Having regard to Council Decision 2002/C 179/02 of 27 July 2002³ appointing the members of the Management Board of the European Food Safety Authority,

Having regard to the Commission Decision⁴ appointing the Commission representative to the Management Board of the European Food Safety Authority,

In order for the Management Board, hereinafter called “the Board”, to ensure that the Authority carries out its mission and performs the tasks assigned to it under the conditions laid down in the Regulation, the following rules of procedures are adopted.

Article 1: Chair

- 1) The election of the first Chair shall take place after the Board adopts these Rules of Procedure during the first meeting of the Board. Later elections shall take place at a meeting of the Board convened by the outgoing Chair at least two months before the end of his/her term.
- 2) The Chair of the Board shall be elected by secret ballot. The secrecy requirement for the ballot may be waived, subject to a unanimous decision by the Board.
- 3) The election shall be held under the Chair of the person designated by the Board. The procedure shall be as follows:
 - a) The names of those wishing to stand as candidates must be notified to the Secretariat before the meeting or be announced at the meeting. Members may present themselves as candidates in their own name or be proposed by another member.
 - b) Where there is a single candidate or where the other candidates withdraw, leaving a single candidate, that candidate shall be elected provided that he/she receives the majority of votes cast.

¹ Official Journal L 31, 1. 2. 2002, p. 1.

² Article 25(5) of Regulation (EC) No 178/2002: “*The Management Board shall adopt its rules of procedure.*”

³ Official Journal C 179, 27.07.2002,p9.

⁴ Unpublished Commission document.

- c) Where there are several candidates, election shall take place in accordance with the following procedure. However, if there are only two candidates, the first ballot will not be held.
- In the first ballot, the candidate who receives at least a two-thirds majority of the votes of all members⁵ is elected.
 - If none of the candidates receive a two-thirds majority of the votes of all members, the two candidates who obtained the highest number of votes go forward to the second ballot. When it is not possible to determine who are the two candidates with the highest number of votes due to equality, there shall be a special ballot in order to obtain the two candidates for the next round.
 - In the second ballot, the candidate who receives at least a two-thirds majority of the votes of all members is elected. If none of the candidates receive a two-thirds majority of the votes of all members, there will be a third round.
 - In the third round, the candidate who receives at least a two-thirds majority of the votes of all members is elected. If none of the candidates receive a two-thirds majority of the votes of all members, the candidate who receives the majority of the votes of all members is elected.
 - If the two candidates receive an equal number of votes after the third ballot, the name of the successful candidate will be drawn by lot.
- d) Candidates may withdraw their candidature at any time during the procedure.
- 4) Two Vice-Chairs shall be elected following a procedure identical to that of the Chair.
 - 5) The names of the Chair and Vice-Chairs shall be recorded in the minutes of the meeting of the Board and shall be made public.
 - 6) The Chair shall be the spokesperson of the Board.
 - 7) If the office of Chair falls vacant, the Board will decide which of the Vice-Chairs shall replace him/her until later elections.
 - 8) The terms of office of the Chair and Vice-Chairs shall be two years, renewable.
 - 9) If the Chair is unable to attend a meeting or part of a meeting, the Chair indicates which of the Vice-Chairs shall chair the Management Board.

Article 2: Independence

1. The members of the Board 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. These declarations shall be made annually in writing (see the Declaration in Annex 1).

⁵ Explanatory Note: Absolute majority/a majority of its members - means half of the members + 1. In the case of the (full) Management Board of the Authority with 15 members eligible to vote, this will mean 8 votes. Qualified majority is in this case a 2/3 majority. In the case of the Management Board of the Authority this means 10 votes.

2. Members shall declare at each meeting of the Board any interests, which might be considered prejudicial to their independence in relation to the items on the agenda. This declaration shall be made in writing or verbally, at the request of the Chair.
3. Any member concerned that his or her interests may undermine his or her independence shall inform the Chair. The extent of the member's participation in the work of the Board shall be laid down by the Chair in agreement with the respective members. It shall be noted in the minutes of the meeting.

Article 3: Confidentiality

1. The members of the Board shall not divulge to third parties confidential information that they have received for which confidential treatment has been requested and is justified.
2. Members of the Board shall sign an initial written declaration (Annex 2) that they will comply with the rules of confidentiality in paragraph 1.

Article 4: Attendance at meetings

1. The Executive Director shall take part in the meetings of the Board, without voting rights.
2. Unless the Board decides otherwise in a particular case, the Executive Director may be assisted by other staff of the Authority.
3. The Board shall invite the Chair of the Scientific Committee to attend its meetings, without voting rights.
4. Acting on a proposal from its Chair, the Board may admit to its meetings any person especially qualified in the matters to be discussed with a view to informing the Board on this matter.
5. The Board shall hold its meetings in public unless, acting on a proposal from the Executive Director, it decides otherwise for specific administrative items of its agenda.
6. Members of the Board shall make a commitment to attend and participate in its meetings. (Annex 3)

Article 5: Replacement

If a member of the Board is not fulfilling his or her obligations in relation to independence, confidentiality or participation in such a manner that this is substantially affecting the work of the Board, the Board, acting on a two-thirds majority, may ask for his/her replacement.

Article 6 : The Convening of meetings

1. The Board shall meet at the invitation of the Chair at least four times a year or at the request of at least one third of its members.
2. Subject to paragraph 3, the notice of convocation of a meeting of the Board, signed by the Chair, shall be transmitted by the Secretariat to members no later than fifteen days before the start of the meeting. The draft agenda shall simultaneously be sent to them, comprising the items to be examined. Preparatory documents shall be transmitted no later than 10 days before the start of the meeting.

3. When the Board is convened to deliberate on a matter of urgency, the notice of convocation and the provisional agenda shall be transmitted to members as soon as possible before the start of the meeting.
4. Where at least one third of the members requests a meeting, the meeting shall be convened within one month or, in case of urgency, as soon as possible.

Article 7: Agenda

1. The Chair shall adopt the provisional Agenda on the basis of a proposal from the Executive Director.
2. Subject to paragraph 3, requests for matters which members wish to have included, deleted or replaced on the provisional agenda shall be submitted to the Chair not less than ten days before the date of the meeting.
3. When the Board is convened to deliberate on a matter of urgency, requests for matters which members wish to have included, deleted or replaced on the provisional agenda shall be submitted to the Chair not less than five days before the date of the meeting.
4. Any request by one or more members for inclusion, deletion or substitution of an item on the agenda shall state the reasons on which it is based. The Chair shall bring any such request to the notice of the other members.
5. The agenda shall be adopted at the beginning of each meeting.
6. With the agreement of the Board, urgent questions may be added to the agenda at any time before the end of the meeting, and items on the agenda may be deleted or carried over to a subsequent meeting.

Article 8: Quorum

A quorum of at least two thirds of all the members of the Board (i.e. 10) shall to be physically present in order for the meeting to be valid.

Article 9: Voting

1. Unless otherwise provided for in the following Article, the Board shall take its decisions by a majority of its members.
2. For the appointment and removal of the Executive Director, the Board shall follow the procedure in Annex 4 – Rules for the nomination of the Executive Director.
3. Except for the election of the Chair, the two Vice-Chairs and the Executive Director, votes shall be taken by a show of hands or declarations, unless one third of the members (i.e. 5) request a secret ballot.
4. For each decision adopted by the Board, figures for the votes cast shall be recorded. A statement of the views of the minority may be entered in the minutes along with the decision if the minority so requests.
5. The Chair may authorise a member to speak briefly in explanation of a vote he/she has cast.

Article 10: Closure of debates

1. The Chair may move the closure of the debate when he/she considers that all members have had the opportunity to express their views. Members may also move for closure.
2. Any member asking to speak on closure shall be given precedence.
3. Any motion to close the debate shall be put to a vote.

Article 11: Vote by proxy

1. The members of the Board may vote by proxy.
2. The proxy shall be notified to the Chair at the beginning of the meeting
3. In addition to his/her own vote each member may receive a maximum of one vote by proxy.

Article 12: Written procedures

1. Without prejudice to Articles 8, 9 and 10, decisions of the Board may be taken by written procedure, on a proposal from the Chair, if a majority of its members accept this procedure.
2. A proposal for a decision to be taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety.
3. Notwithstanding the provisions in paragraphs 1 and 2, in exceptional cases, where a decision of the Board is needed in an emergency situation or food safety crisis, documents and information may be transmitted by the quickest means available and votes cast without the need to convene a meeting.
4. The result of a written procedure will be notified without delay to the Board members.

Article 13: Interpretation and languages considered at meetings

1. Interpretation shall be provided at each meeting of the Board, in principle, in the official languages of the European Union, as agreed as necessary by consensus of the members of the Board.
2. The Board may, by vote and on grounds of urgency, decide to depart from the rule in paragraph 1.

Article 14: Transmission of documents and minutes

1. A summary of the decisions taken at each meeting of the Board shall be forwarded to members not later than two weeks after the meeting.
2. The draft minutes, to which shall be attached the summary referred to in paragraph 1, the attendance list, and the decisions taken with figures for the votes cast at each vote, shall be forwarded to members not later than four weeks after the meeting or two weeks prior to the following meeting, for adoption at the next meeting. Should this draft not have been sent in time the Board may decide to hold the matter over until the following meeting.
3. Once approved, the minutes shall be signed by the Chair. The signed copy of the minutes shall be kept in the archives of the Authority.
4. The final text of the minutes shall be forwarded to members not later than four weeks after its approval.

5. Without prejudice to the confidentiality rules laid down in Article 39 of the Regulation, the minutes shall be published in all Community languages on the Authority's website.

Article 15: Reimbursement of expenses

All travel and subsistence expenses incurred by members in connection with meetings relating to Board business shall be paid by the Authority on the basis of the scales laid down in the Staff Regulations of Officials of the European Communities for officials in grades A1 to A3.

Article 16: Secretariat

The Executive Director shall provide the Secretariat, and provide appropriate administrative support to enable the Board to carry out its work.

Article 17: Amendment of the rules of procedure

1. The Board may amend these Rules of Procedure and its annexes by a majority of its members.
2. Amendments to the Rules of Procedure and its annexes shall enter into force on the date decided by the Board.

Article 18: Entry into force

These Rules and annexes shall enter into force as soon as they are adopted.

Done at Brussels, 18 September 2002.

For the Management Board,

Dr Stuart A. Slorach
The Chair

Annex 1

ANNUAL DECLARATION OF MEMBER'S INTERESTS

Name _____

In accordance with Article 37(1) of Regulation (EC) No 178/2002, I hereby declare that I have the following interests⁶ which I believe might be perceived as prejudicial to my independence:

I hereby declare that I do not have any interests other than those declared in [1] which I believe might be perceived as prejudicial to my independence

I hereby declare that I do not have any interests which I believe might be perceived as prejudicial to my independence

⁶This list contains examples of information of the type that a member of the Board should consider when preparing their declarations of interest.

- (a) financial interests (e.g. investments, loans, shares, interests, other debts); business interests (e.g. directorship or other contractual interests, consultancies); and property interests relevant to the Authority's mission;
- (b) professional interests (e.g. a past or present relationship with private or public clients, or any interests the person may have in domestic or international proceedings, and their implications, where these involve issues similar to those addressed by the Board);
- (c) other active interests (e.g. active participation in public interest groups, clubs or other organisations which may have a declared agenda relevant to the questions addressed by the Board);
- (d) considered statements of personal opinion on issues relevant to the questions addressed by the Board (e.g. publications, public statements);
- (e) employment or family interests (e.g. the possibility of any indirect advantage or any likelihood of pressure which could arise from the member's employer, business associates or immediate family members).

I shall inform the Board of any change with regard to my interests, which could be prejudicial to my independence

I understand that this information will be accessible to the public and communicated or made available to third parties.

Done at _____ *on* _____

Signature _____

Annex 2

DECLARATION CONCERNING CONFIDENTIALITY

Name _____

I hereby declare that I am aware of my obligation to respect confidentiality. I know that I am obliged not to divulge information acquired as a result of the work of the Management Board, if this information is subject to a request for confidentiality. I shall also respect the confidential nature of the opinions expressed by members of the Management Board during discussions in meetings or provided in written form.

Done at _____ *on* _____

Signature _____

Annex 3

DECLARATION OF COMMITMENT

I, hereby declare that I shall make all reasonable efforts to attend and participate in the meetings of the Management Board of the European Food Safety Authority and to act independently and in the public interest.

Done at _____ *on* _____

Signature _____

Annex 4

Rules of Procedure for the Nomination and Appointment of the Executive Director of the EUROPEAN FOOD SAFETY AUTHORITY

Appointment of the Executive Director

- 1) The Commission shall propose to the Management Board of the Authority a list of suitable candidates for the post of Executive Director following an open competition in line with the requirements of Article 26(1) of Regulation (EC) No 178/2002.
- 2) Information relating to the candidates on the list proposed by the Commission, including information concerning the selection criteria and procedures used, shall be transmitted to members of the Board at least 10 days before the start of the meeting at which it is proposed that the nomination of the Executive Director be considered.
- 3) From the list of candidates proposed by the Commission the Board shall decide which candidates are required to attend for interview. The Secretariat shall invite such candidates to attend the next meeting of the Board.
- 4) After interviewing the candidates the Board shall then decide whether to proceed to a nomination.
- 5) The nomination procedure shall be as follows:
 - a) Following consideration of the information concerning the candidates and any interviews, the Board shall vote by a secret ballot in order to nominate the most suitable candidate. Subject to a unanimous decision by the Board, the secrecy requirement for the ballot may be waived.
 - b) During the first round, the candidate who receives at least a two-thirds majority of the votes of all members⁷ is elected.
 - c) Where none of the candidates receive a two-thirds majority of the votes of all members, the two candidates who obtained the highest number of votes are selected for the second round.
 - d) When it is not possible to determine who are the two candidates with the highest number of votes due to equality there shall be a special ballot in order to obtain the two candidates for the next round.
 - e) In the second ballot, the candidate who receives at least a two-thirds majority of the votes of all members is elected. If none of the candidates receive a two-thirds majority of the votes of all members, there will be a third round.
 - f) In the third round, the candidate who receives at least a two-thirds majority of the votes of all members is elected. If none of the candidates receive a two-thirds majority of the votes of all members, the candidate who receives the majority of the votes of all members is elected.
 - g) If the two candidates receive an equal number of votes after the third ballot, the name of the successful candidate will be drawn by lot.
 - h) Candidates may withdraw their candidature at any time during the procedure.

⁷ Explanatory Note: Absolute majority/a majority of its members - means half of the members + 1. In the case of the (full) Management Board of the Authority with 15 members eligible to vote, this will mean 8 votes. Qualified majority is in this case a 2/3 majority. In the case of the Management Board of the Authority this means 10 votes.

Rules of Procedure

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- 6) Before being formally appointed by the Board, the nominated candidate shall without delay make a statement before the European Parliament.