

Agenda item 2 – adopted

MB 29.04.2003 – 2 Minutes of the meeting 19/20 March 03



European Food Safety Authority

Minutes Management Board Meeting 19-20 March 2003 Centre Borschette, Brussels

Members of the Management Board present

- Angeliki Assimakopoulou
- Ernst Bobek
- Giorgio Calabrese
- Robert Coleman
- Peter Gaemelke
- Matthias Horst
- Catherine Geslain-Lanéelle
- Deirdre Hutton
- João Pedro Machado
- Pirkko Raunemaa
- Bart Sangster
- Stuart Slorach
- Roland Vaxelaire
- Patrick Wall

Staff of the European Food Safety Authority Implementation Team present

- Jochen Brodersen
- Christine Majewski
- Geoffrey Podger
- Andy Stimpson
- Anja Van Impe
- Katty Verhelst

Administrative Matters

Jochen Brodersen introduced the matter of the appointment of the candidate for accounting officer, Lionel Rigaux. The procedure is presented in document MB19/20.03.2003 – 2. In line with the New Financial Regulation of the Authority, it is now the responsibility of the Board to make this appointment. Upon appointment, Lionel Rigaux will be offered a contract of five years. Until now, the candidate works according to a Memorandum of Understanding with the *Centre de Traduction* with whom he has an employment contract. The Board unanimously approved the appointment of Lionel Rigaux as accounting officer for the Authority.

As Regulation 178/2002 requires the Management Board to appoint the executive director and accounting officer, it was decided that the secretariat would ensure that Board members be informed well before such matters come to the Board for a vote in future.

Preliminary Formalities

Stuart Slorach opened the meeting by welcoming the Board members, the Authority's staff, and the webstreaming audience. Stuart Slorach in particular welcomed Geoffrey Podger in his capacity as the newly appointed Executive Director of the Authority. Apologies were received from Carlos Escribano Mora for the whole meeting and from Matthias Horst for 20 March.

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No declarations of interest regarding the agenda for this meeting were made.

1. Adoption of Agenda (MB 19/20.03.2003 – Draft Agenda – version 7)

The agenda was adopted, including items added under Any Other Business.

2. Minutes of the previous meeting and matter arising from the minutes (MB 21.01.2003 – Draft Minutes – version 8)

The minutes of the Management Board meeting of 21 January 2003 were adopted. This document will be published on the Authority's website.

Deirdre Hutton tabled a document on webstreaming alternatives in the last meeting. Considering the high level of transparency within the Board, it was felt unfortunate that the current webstreaming is not available to all people due to (1) the format currently used and (2) the lack of information on the Authority's website. Christine Majewski informed that the Authority had looked into the technical aspects of the webstreaming which will be discussed at a later stage, including what types of documents could be published on the website. An instruction page on how to follow the webstream will be put on the Authority's website.

A letter of invitation had been received from Patrick Wall for the Board to hold a meeting in Ireland during the Irish Presidency in the first half of 2004. The Board supports the idea of having meeting outside of Brussels, providing satisfactory arrangements can be made and consequently accepted the invitation of Ireland. Pirkko Raunemaa invited the Board for a meeting in Helsinki.

Following a request to have a record of more detailed minutes, it was agreed in principal to do this and also to raise this matter in a broader context of openness and transparency in the June meeting.

3. Presentation to the Management Board by Geoffrey Podger, Executive Director

Geoffrey Podger thanked the Board for its confidence in him and outlined some of the management issues that he is concerned with since taking up office on 1 February 2003:

- Although the Authority has dedicated and professional staff members, more staff need to be recruited in order to execute the activities as presented in the management plan 2003. For the moment, only around 70% of these activities would be possible given the budget awarded by the European Parliament but food crisis management, identification of emerging risks, amongst others, would be difficult due to lack of funds to recruit the appropriate staff.
- The Authority is in the process of recruiting a Deputy Executive Director, holding a scientific qualification related to food, to complete the skills and competences of the Executive Director. The Deputy would need to take

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forward more scientific and technical activities. Furthermore, a procedure has been launched for the recruitment of a Head of Communications and additional staff for preparing Management Board and Advisory Forum meetings. Geoffrey Podger informed the Board that he has asked the member of the Advisory Forum to look into the opportunity to second highly qualified nationals to the Authority.

- The Authority, currently housed in a European Commission building, is in negotiations with the Commission and the other two newly created agencies to move from the Commission building and relocate in the Brussels area. The Authority needs to expand its office space in light of further recruitments and it would prefer to become physically separated from Commission premises.
- Geoffrey Podger has requested the European Parliament to release more funds. With the agreement of the Parliament's Environment Committee, the Budget Committee was asked to release the 50% of the remaining budget in reserve.

The Executive Director stressed the high level of expectation from Europe and, especially, from consumer organisation. Depending on the budget available, he will ensure that the Authority strives to meet this.

4. Update on 2002 - carryover of budget (MB 19/20.03.2003 – 3) – for information only

The Authority's Management Board had agreed in its meeting on the 21 January 2003 in principle, the non automatic carry-forward of various items, detailed in document 3. Geoffrey Podger brought the Board's attention to the outcome of these carry-overs.

5. Discharge of the 2002 budget (MB 19/20.03.2003 – 4) – for information only

Since it was agreed with the Court of Auditors that the Authority's accounts for 2002 were conducted on behalf of the Commission's accounts, the Board did not have to take a view on this.

6. Report of EFSA activities in 2002 – vote (MB 19/20.03.2003 – 5)

Christine Majewski introduced this matter by explaining that the report on the EFSA activities for each year is required through Regulation 178/2002 and it is for the Board to consider and agree this. Although the Authority was not operational in 2002 and the Executive Director was not in place until 1 February 2003, some of the activities in the area of overall project management, administrative and support activities were carried out within the parameters agreed by the Board at their first meeting in September 2002.

The Management Board agreed with minor editorial changes to the 2002 Annual Report of Activities of the Authority which should be considered as complementary to the financial documents already considered by the Board (**MB 19/20.03.2003 – 3 and MB 19/20.03.2003 – 4**). The board expressed its appreciation of the work done by the Authority's team during the course of 2002.

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7. Planning and Development issues relative to the growth of the Authority in 2003 – vote (MB 19/20.03.2003 – 6 – revision 4)

Christine Majewski introduced this matter. The Management Board at its meeting of 6 November 2002 adopted the draft Establishment Plan and Preliminary Work programme for 2003, which were developed on the basis on a budget of €16,493,423. At the meeting of 11 December the Management Board adopted the draft budget of €8,246,500, under protest, while still maintaining the Work Programme and Establishment Plan appropriate to the budget as originally requested. Although this decision pre-empted the outcome of the discussions in the European Parliament, which were finalised later in December 2002, €8,246,500 was ultimately placed on the line for the Authority by the Parliament with the rest being held in the reserve.

The consequence of this is that during the first part of 2003, the Authority could only be sure of having access to €8,246,500 to cover its expenditure. Although it is planned to request the release of the reserve during the Budget Committee (CoBu) meeting 24 March 2003, and if not successful, at subsequent opportunities, the planning for the growth and management of the Authority therefore has to take into account the uncertainty over budgetary availability.

Document 6 outlines what the priorities should be in 2003 and the rationale behind them, including a sufficient level of flexibility.

The Board members welcomed the document and asked the secretariat to revise it in light of any changes to the available budget, and a clearer identification of what could not be achieved compared to the 2003 Management Plan already adopted for the proposed 16.5 million euros. The paper would be discussed by the Board again. The secretariat is to identify the priorities and make clear suggestions on how to resource them.

Paper from Deirdre Hutton on Emerging Risk and the allocation of EFSA resources - (MB 19/20.03.2003 – 7 – revision 1) – endorsement (MB19/20.03.2003 – 13) – for information

Deirdre Hutton introduced a paper on emerging risks and the allocation of the Authority's resources. She explained that two issues had to be taken up for discussion by the Board, namely the process by which the Authority identifies emerging issues and the role of the Board in that process, and the conflict that might arise between routine work and horizon scanning for emerging issues.

It was stressed that the balance between risk assessment and other issues of looking for emerging risks is important and that the Board, being accountable for the Authority, opens itself to criticism if emerging risks are not being dealt with in a harmonised and structured approach.

Geoffrey Podger introduced in this context to idea to organise a colloque in order to move the Authority forward in terms of openness and transparency and in order to build consensus with stakeholders on how to do that.

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Also for information concerning 2003 - MB 19/20.03.2003 – Budget information notes 1 and 2 and 4.

The Board members did not raise any questions on the information notes which cover the routine transfer of monies between budget lines.

7bis Budget Information Note 3 Draft Decision of Management Board concerning Budget Information Note 3 (MB 19/20.03.2003 - 7.bis) – (vote)

The Board approved the transfer of appropriations from one chapter to another. These credits are necessary to cover expenditure to develop a scientific documentation and information system. The preparatory work has already been done.

8. Budget 2004 – vote (MB 19/20.03.2003 – 8)

Jochen Brodersen introduced the matter by explaining that the budget procedure in the Regulation 178/2002 sets out that *“By 31 March each year at the latest, the Management Board shall adopt the draft estimates including the provisional list of posts accompanied by the preliminary work programme and forward them to the Commission, and the States with which the Community has concluded the agreements referred to in Article 49. On the basis of that draft, the Commission shall enter the relevant estimates in the preliminary draft general budget of the European Union to be put before the Council pursuant to Article 272 of the Treaty.”* It was communicated to the Commission that the Authority is unable to meet this timetable this year. The submitted Preliminary Draft Budget 2004 contribution therefore reflects the ongoing process at this moment in time and will be subject to change.

The Board endorsed the information provided in document 8 with a view to prepare a decision of the board at a later stage in the year.

9. Paper from Dr Sangster concerning the scientific work of the Authority – endorsement (MB 19/20.03.2003 – 9)

Bart Sangster introduced a paper on the transparency of risk assessment. He explained that, transparency in the process of risk assessment will allow the consumer to understand how risk is being assessed as well as the validity and thus credibility of the outcome. Furthermore, transparency will allow risk managers to take better-informed decisions and will enable risk communication. Since a lack of credibility of the current processes was one of the reasons for creating our Authority, there is a need for a critical assessment for opportunities for improvement.

The Board agreed that it is necessary to have confidence in risk assessment, not only by the consumers and industry, but also by the Scientific Committee and the Scientific Panels. There is a need to work in transparent and open way in order for the Authority's risk assessment to be accepted outside of Europe.

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The Executive Director agreed to send a message to the Scientific Committee and to seek support for clearer scientific processes, stressing the importance of:

- when scientific opinions are produced, the rationale of opinions should be clear and explicit;
- uncertainties which are associated with risk assessment are to be clarified and explained. Uncertainties can be due to the quality or lack thereof and quantity of information available. Also, most risk assessment in the field of the Authority are based on extrapolations of animal studies to man and creates scientific uncertainties;
- any divergence of scientific opinion needs to be recorded as stated in Regulation 178/2002.

The Authority needs to define with its customer, i.e. mainly with the European Commission, how scientific questions will be formulated. In addition, the Executive Director will start a dialogue with the Scientific Committee and the Panels on the possibility of organising hearings, on laymen participation in these Panels and on observer participation from consumer organisations. The outcome of this dialogue will be reported back to the Board for information and discussion.

10. Progress report on recruitment of the Scientific Committee and Panels and other matters relating to the work of these (MB 19/20.03.2003 – 10)

Geoffrey Podger introduced this topic by explaining the various stages in the selection process. Around 1,030 applications were received at the close of the call. The Authority's evaluation team was reinforced by Commission scientists with experience in the relevant areas. Prof Pascal (INRA) and Dr Tarrago (IRTA) had been invited on 2 and 3 April to audit externally and independently a random selection of the evaluations.

The secretariat will prepare and distribute a shortlist to the Advisory Forum members with a copy to the Management Board members in the week commencing 7 April. The Advisory Forum members will be asked for advice on the candidates against the evaluation criteria. The Executive Director will propose a final list to the Board for approval at its meeting of 29 April. In this meeting, the secretariat will report back on the audit, the feedback by the Advisory Forum members and the progress made.

The Board decided that participants from the private sector could be appropriate in certain circumstances and areas of work. However, if their participation would endanger the integrity of the Committee or Panel, i.e. if there is a sharp conflict of interest of a participant from the private sector, then they should be excluded from membership. This would apply equally to members with other backgrounds.

11. Advisory Forum – feedback from meeting 6/7 March 2003

Geoffrey Podger presented the Board members with the outcomes of the Advisory Forum meeting of 6 and 7 March:

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- Accession countries and EFTA member states had been invited with the Accession countries participating as observers
- Overall good intention by the members to make the Advisory Forum work
- Generous offers were received to host meetings of the Advisory Forum in other countries. The meeting of 13-14 May will most likely be held in Athens
- The Advisory Forum to look into the opportunity to second highly qualified nationals for employment at the Authority, not only to increase staff competence in the Authority, but also to have a direct link with the Member States
- Agreement to exchange information in terms of ongoing matters in risk assessment, trust and frankness
- The Advisory Forum members welcomed the opportunity to be able to offer advice on the shortlist for membership of the Scientific Committee or a Scientific Panel
- The members had identified a real need to look, together for emerging risks. Both agreed to develop working methods in order to facilitate the work. The matter of starting with a few examples will be discussed in the next meeting
- The procedural rules of the Advisory Forum provide for changes by 17 June. Although the Management Board decides on these changes, the Advisory Forum members would like to be advised on forthcoming changes.

The Authority's secretariat is to distribute the minutes and the Advisory Forum member list to the Board members. In addition, the Board welcomes constructive proposals from the Advisory Forum on any changes to the procedural rules.

12. Progress and updates on other matters

Release of Documents

Following requests from the press to release meeting documents on the web prior to the meeting, it was decided that non-confidential documents could be published on the Authority's website one to two days before the meeting. The secretariat is to develop a set of guidelines on confidentiality rules and on definitions such as endorsement, for adoption, amongst others.

Contacts with stakeholders

Both Stuart Slorach and Geoffrey Podger are in contact with various stakeholders in order to build a clear understanding of the Authority's mission, its current constraints and to increase its visibility. The Board recognised the importance of having a continuous dialogue with the stakeholders, to be open and transparent and to be available and accessible.

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The Authority's secretariat is to provide the members with a simple tool for presentation and a list of upcoming representation activities by Stuart Slorach and Geoffrey Podger.

13. Frequency and timing of future Board meetings and planning of issues to address at these (MB 19/20 March 2003 – 11)

A decision on whether or not an additional Board meeting than those already planned should be organised in 2003, will be discussed in the meeting of 29 April.

A decision on meeting dates in the first half of 2004 will be taken on 16 September, including the date(s) for a meeting in Ireland.

14. Clarification of current status of the Commission's proposal of 17 July 2002 to modify Regulation 178/2002

Jochen Brodersen explained that the Regulation needs to be amended in relation to the new Financial Regulation for all Commission institutions. The amendments are to be finalized by mid-April.

15. Any Other Business

- **Press release**

The draft press release was approved, having taken the changes as agreed in the meeting into account.

Stuart Slorach closed the meeting by thanking the Authority's staff for the preparatory work, the interpreters, the team responsible for the web streaming and all the members of the Board.