



EFSA POLICY ON DECLARATIONS OF INTERESTS

I. INTRODUCTION

Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority (EFSA) and laying down procedures in matters of food safety^a states that members of the Management Board, the members of the Advisory Forum, the members of the Scientific Committee and Panels and the Executive Director shall undertake to act independently.

For this purpose Article 37 of Regulation 178/2002 imposes the obligation on them to make a) a declaration of commitment b) an annual 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*"^b. Failure to fulfil in a timely and complete manner any of the obligations detailed above will be considered as a *prima facie* breach of trust towards the EFSA.

EFSA's approach of ensuring its independence is set out in this document which is implemented in the Guidance on Declarations of Interests (MB – 11.09.2007 – 5.3) and the Procedure for identifying and handling potential conflict of interests. (MB – 11.09.2007 – 5.4)

These documents implement the concept of Article 37 which takes into account that high quality of scientific expertise is by nature based on prior experience. Having an interest does not necessarily mean having a conflict of interest. The policy is not to ban or sanction the holding of interests by individuals operating in the sphere of EFSA but to facilitate in a transparent and consistent manner the handling of situations where potential conflicts may arise.

Independence and high standards of professional conduct by all those involved in the activities of EFSA - members of the Management Board, Advisory Forum, Scientific Committee, Scientific Panels, Expert Working Groups, other EFSA experts, the Executive Director and other members of EFSA staff - are crucial for the independence and the reputation of EFSA.

One aspect that influences the external perception of EFSA's independence is proving that those involved in the work of EFSA act independently of any external influence related to the

^a *Official Journal* L 31, 1.2.2002, p. 1 as last amended by Commission Regulation (EC) No 575/2006 of 7 April 2006.

^b The Executive Director of EFSA has extended this to the Deputy Executive Director and AD Staff of EFSA (declarations of the latter are not made public though).

subject of the activity. Openness is essential to ensure public confidence. Therefore, professionals involved in the activities of EFSA must reveal the interests they may have in EFSA's tasks.

EFSA has decided to review its procedures and arrangements and to further strengthen the robustness and transparency of the system of handling declarations of interests, based on the experience gained in handling declarations of interests since its establishment.

II. EFSA's approach to declarations of interest

By nature, declarations of interest are of individual nature. In order to ensure a coherent level of detail in the declarations, a set of interests have been defined. These are ownership or other investments, including shares, membership of a managing body or equivalent structure, membership of a scientific advisory body, employment, consultancy, research funding, intellectual property rights, other memberships, and any other interests. Interests of close family members are also to be included.

To ensure consistent reporting and evaluation the following documents have been created:

- A set of comprehensive declaration of interests forms which seek detailed information from different areas and activities that may be of relevance in the context of specific interests. By applying these forms in a consistent way a coherent declaration of the level of interests is promoted which would seek to establish a common awareness of what kind of interests are to be declared. To support that, the forms provide various explanatory notes.
- **A Guidance document on Declarations of Interest.** This document presents
 - the importance of providing declarations of interest;
 - the nature of interests that are to be declared, and
 - the different documents that have been created for this purpose

It is to be made available to the experts prior to the completion of their declaration of interests.

- **A Procedure for identifying and handling potential conflicts of interest** formalising the approach on how and when to assess the information provided in the declarations regarding such potential conflicts. The document also sets out a procedure for screening of the declarations of interest and outlines possible consequences linked to the interests declared for experts and members of EFSA's Scientific Committee and Panels.

All the above-mentioned documents shall be made public on the EFSA webpage.

III. Handling of conflicts of interest of Scientific Committee members, Panel members and other EFSA experts

Based on the information provided by the expert, the Head of the Unit supporting the relevant Panel or Working Group, or the Scientific Committee, will evaluate whether a declared interest constitutes a conflict. In the case of an identified potential conflict of interest, the Head of the Unit supporting the relevant Panel or Working Group or the Scientific Committee, will, in collaboration with the Chair, assess whether the expert will be allowed to participate in the EFSA activities or not.

IV. Handling of conflicts of interest for Management Board members, members of the Advisory Forum, the Executive Director and other members of EFSA Staff

Taking into account the different nomination procedures and the different roles and responsibilities of the members of the Management Board, Advisory Forum, the Executive Director and other members of EFSA staff compared to the members of the Scientific Committee and Panels, the Procedure for identifying and handling potential conflicts of interest lays down a different, simplified procedure which takes these differences into account.

Whilst the EFSA's founding regulation places specific declaration obligations upon the Executive Director, EFSA has decided that the requirement to declare interests should also apply similarly to all AD-grade staff in the Authority. This is in line with the spirit of the founding regulation under which all the individuals in a position to influence EFSA's output, particularly in the core business areas of science and communications, should act with independence and integrity and should be subject to the same standards of professional conduct as members of EFSA bodies and other EFSA experts and therefore use a similar system for the verification thereof.

EFSA staff is subject to obligations laid down under the EU Staff Regulation for officials and Conditions of Employment of Other Servants. In essence, all EU officials and servants are required to act with independence and integrity, cannot deal with matters in which they have personal interests or hold interests likely to impair their independence, must seek prior permission for any outside activity and must declare whether their spouse are in gainful employment in order for the institution to assess the compatibility with the official's duties.

V. Review of the policy

The policy set out in this document shall be reviewed within 3 year of its adoption. The members of the Management Board are asked to adopt the EFSA Policy on Declarations of Interest.

Parma, 5th October 2007

Patrick G. Wall
Chair