

COMMUNICATIONS & EXTERNAL RELATIONS

1 **Revision of the Management Board Decision** 2 **concerning the operation of the Advisory Forum**

3 4 **Background:**

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6 Provision is made in the Founding Regulation for the specification of 'operational
7 procedures' of the Advisory Forum with a requirement that they be made public.
8 The current Management Board Decision concerning the operation of the Advisory Forum
9 was agreed in 2008 and is focussed on procedural aspects of meetings of the Forum.
10 It is proposed that the Management Board Decision is revised and updated.

11 12 **Rationale:**

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14 A review of how the Advisory Forum was meeting the requirements of the Founding
15 Regulation (FR) and how members were fulfilling the roles set out in the regulation was
16 conducted in 2015. One of the recommendations from the review was for the operating
17 procedures to be reviewed to add detail of the members' role in relation to the tasks set
18 out in the Founding Regulation.

19
20 While the current Decision provides detail on the running of meetings (Article 27 of the
21 FR), it does not provide any additional information on the interactions of the members
22 and EFSA and does not address issues related to Article 30 of the FR (on scientific
23 divergence) or Article 36 of the FR (on scientific networks).

24
25 These two aspects in particular are where additional explanation is needed on the role of
26 Members and The Forum.

27 28 **Objective:**

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30 The objective of the review is to expand the scope covered by the Decision to provide
31 detail on the three relevant articles of the Founding Regulation (ie Articles 27, 30 and 36
32 of the FR).

33 34 **Timeline:**

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36 Herewith included (Annex I) is a draft revision to the Decision concerning the operation
37 of the Advisory Forum to inform and invite comment from the Management Board on the
38 proposals. A table summarising the origin of each of the articles is also provided (Annex
39 II).

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41 The document is to be discussed at the Advisory Forum meeting on 8-9 June.

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43 Following consolidation of comments, a final draft will be presented to the Board in
44 October for agreement to come into force immediately after.

45 46 **Conclusion:**

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48 The Management Board is invited to agree to update the Decision of 2008 on the
49 operational procedures of the Advisory Forum and to comment on the proposed draft.

50 **Annex I: Draft Revision of the Management Board Decision**

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52 **MANAGEMENT BOARD DECISION CONCERNING THE OPERATION**
53 **OF THE ADVISORY FORUM**
54 **OF THE EUROPEAN FOOD SAFETY AUTHORITY**
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57 THE MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY,
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59 Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the
60 Council of 28 January 2002 laying down the general principles and requirements of food
61 law, establishing the European Food Safety Authority and laying down procedures in
62 matters of food safety (hereinafter "the Regulation") and in particular to Article 27, ,
63 Article 30, Article 30(4) Article 36(1);
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65 Having regard to Regulation (EC) No 2230/2004 laying down detailed rules for the
66 implementation of European Parliament and Council Regulation (EC) No 178/2002 with
67 regard to the network of organisations operating in the fields within the European Food
68 Safety Authority's mission (hereinafter the Implementing Regulation) and in particular
69 Article 1, Article 3 and Article 4.;

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71 Having regard to the Management Board Decision concerning the operation of the
72 Advisory Forum¹;

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74 Having regard to the Management Board Decision concerning the establishment and
75 operation of European Networks of scientific organisations operating in the fields within
76 the Authority's mission²;

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78 Having regard to the Policy on Independence and Scientific Decision-Making Processes of
79 the European Food Safety Authority³;

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81 Having regard to Decision of the Executive Director on Declarations of Interest⁴;

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83 Having regard to the EFSA's Financial Regulations⁵ and its implementing rules⁶;

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85 Whereas:

¹ mb 27 03 08, <http://www.efsa.europa.eu/sites/default/files/assets/afoperation.pdf>

² mb 18 03 10,
http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/networksoperation.pdf

³ mb 15 12 11,
http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/independencepolicy.pdf

⁴ EFSA/LRA/DEC/02/2014,
http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/independencerules2014.pdf

⁵ mb 19 12 13,
http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/finregulation.pdf

⁶ mb 26 06 14,
http://www.efsa.europa.eu/sites/default/files/corporate_publications/files/finimplementingrules.pdf

- 86 (1) in order to ensure the proper functioning of the Advisory Forum of the European
87 Food Safety Authority (hereinafter "the Authority"), within the overall framework of the
88 Regulation it is appropriate to lay down the Advisory Forum's internal rules.
89 (2) in order to enable the Advisory Forum to exchange information on potential risks and
90 the pooling of knowledge and ensuring close cooperation between the Authority and the
91 competent bodies in the Member States and in particular where the Authority or a
92 Member State identifies an emerging risk.
93 (3) in order to provide detail on the role of the Forum in cases of scientific divergence
94 (4) in order to facilitate networking between the Authority and the organisations on the
95 Article 36 list and the entrusting of tasks on the list

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97 Has adopted the following rules:
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100 **Chapter I: Organisation and running of meetings**

101
102 **Article 1: Composition of the Advisory Forum**

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104 (1) The Advisory Forum shall be composed of representatives from competent bodies in
105 the Member States, Iceland and Norway which undertake tasks similar to those of the
106 Authority, on the basis of one representative designated by each Member State.

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108 (2) Such designation shall be made by the Permanent Representation office of the
109 Member States and for Iceland and Norway by the respective Missions to the EU by each
110 country.

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112 (3) Representatives may be replaced by alternates, appointed in the same manner.

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114 (4) As Member State representatives, members of the Advisory Forum shall contribute to
115 discussions held in the Forum as representing the views of their Member State.

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117 **Article 2: Chair**

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119 (1) The Advisory Forum shall be chaired by the Executive Director of the Authority.

120
121 (2) When in exceptional circumstances, the Executive Director is unable to chair a
122 meeting, he/she may delegate the chairmanship of the Advisory Forum to a senior staff
123 member of the Authority.

124
125 **Article 3: Attendance**

126
127 (1) For the purpose of ensuring the smooth functioning of the meetings, or in order to
128 provide particular expertise, the Executive Director may invite to the meetings of the
129 Advisory Forum any person qualified in the matters to be discussed with a view to
130 informing the meeting on this matter.

131
132 (2) The European Commission and the European Parliament shall be invited to
133 participate in the plenary meetings as observers.

134
135 (3) Representatives from the EU Candidate Countries and Switzerland shall be invited as
136 observers.

137
138 **Article 4: Secretariat**

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140 (1) The Authority shall provide the Secretariat to the Advisory Forum

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142 **Article 5: Focal Points**

143
144 (1) Advisory Forum members shall be supported by national Focal Points in the practical
145 implementation of activities related to networking and scientific cooperation, acting as an
146 interface between EFSA and the national food safety authorities, research institutes,
147 consumers and other stakeholders, and among competent organisations in Europe.

148
149 **Article 6: Convening of meetings**

150
151 (1) In addition to the four statutory meetings per year, the Advisory Forum shall meet at
152 the request of the Chair or of at least one third of its members.

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154 (2) When the Advisory Forum is convened to deliberate on a matter of urgency, the
155 notice of convocation and the provisional agenda shall be transmitted to members as
156 soon as possible.

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158 (3) Where at least one third of the members requests a meeting, the meeting shall be
159 convened within one month from the receipt of the request by the secretariat, or, in case
160 of urgency, as soon as possible.

161
162 **Article 7: Preparation of Agenda and meetings**

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164 (1) Members may submit items for inclusion on the Agenda at any time.

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166 (2) The Secretariat shall circulate a draft Agenda for further input from members no later
167 than one month before the date of the meeting.

168
169 (3) Meeting Agenda shall clearly indicate which items are for discussion, for endorsement
170 and for information. Members shall consult at national level in order to be prepared for
171 the discussion. To facilitate this, the Agenda, documents and presentations will be made
172 available to the EFSA Focal Points in each Member State ahead of meetings to facilitate
173 the necessary pre-meeting consultation and preparation of members.

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175 **Article 8: Quorum and votes**

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177 (1) A quorum of at least two thirds of all the members of the Advisory Forum shall be
178 physically present in order for the meeting to be valid.

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180 (2) When a document is put on the agenda for endorsement, the Advisory Forum shall
181 strive to reach a consensus on it. However, when that is not possible, a majority of
182 members endorsing a document will be sufficient for it to be carried. Dissenting views
183 shall be referenced in the minutes of the meeting.

184
185 **Article 9: Written procedures**

186
187 (1) Where the Chair wishes to consult the members of the Advisory Forum between
188 meetings, documents and information may be transmitted by the quickest means
189 available and the necessary information sought by written procedure without the need to
190 convene a meeting.

191
192 (2) The matter shall in any case be placed on the agenda of the next meeting.

193
194 (3) Where a member of the Advisory Forum is not able to be represented at a meeting
195 he/she may make his/her views known on an agenda item to the Chair in writing. The
196 Chair shall ensure that these are circulated to other members by the Secretariat.

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198 **Article 10: Discussion Groups**

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200 (1) In order to prepare discussion papers for plenary meetings and to facilitate detailed
201 consideration on specific topics, the Advisory Forum may establish a Discussion Group on
202 an ad hoc basis. Members shall be able to participate or designate a representative to
203 participate in such Discussion Groups which shall be limited to a specific remit and
204 dissolved once the remit has been fulfilled.

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206 **Article 11: Minutes and Reporting**

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208 (1) Minutes of meetings shall be drafted by the Secretariat and circulated to members
209 for approval by written procedure.

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(2) All documents and presentations tabled at meetings by the Authority and by members (subject to agreement with those members) and minutes of meetings shall be published on The Authority’s website.

Article 12: Work Planning

(1) The Advisory Forum shall be consulted by the Authority in the preparation of the annual and multiannual work programme at drafting stage in order to provide advice to the Executive Director on prioritisation of work.

Article 13: Exchange of information within the Advisory Forum

(1) In order to be better informed on issues to be discussed at meetings and between meetings, the Authority shall encourage the exchange of information between members and between the Authority and members

(2) The Authority may develop and maintain tools to facilitate such exchanges.

Chapter II: Scientific Divergence

Article 14: Sharing of information on forthcoming risk assessments

(1) At each meeting of the Advisory Forum, members shall exchange information on forthcoming risk assessment activities, which may identify potential duplication and divergence in the work of the Authority and the Member States. In order to identify areas of potential scientific divergence, members shall share annual, quarterly or monthly work programmes where they exist and inform other members and the Authority of planned work activities on a regular basis.

Article 15: Divergence between EFSA and Member States bodies

(1) In the case of potential scientific divergence identified by either the Authority or a Member State, the Advisory Forum Member will facilitate as far as possible the timely exchange of information between the relevant Member State and the Authority. The Authority shall be informed in writing in between meetings or the matter raised during the next plenary meeting.

(2) When a member of the Advisory Forum becomes aware of the likelihood of scientific divergence between the Member State and the Authority, the Authority shall be informed.

(3) Where the Authority becomes aware of scientific divergence between it and a Member State, the Authority shall inform the relevant national body and the member for the Member State.

(4) In such circumstances described above, both the Authority and the relevant member of the Advisory Forum will facilitate as far as possible the exchange of information necessary to identify potentially contentious scientific issues.

Article 16: Guidance on Divergence

The Advisory Forum shall develop and keep under review guidance to be followed in the event of substantive scientific divergence as detailed in Article 30(4) of the Regulation.

266 **Article 17: Coordination of Communications**

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268 (1) The Advisory Forum shall agree procedures to share under embargo, as appropriate,
269 particular opinions of importance for Member States and/or the Authority prior to their
270 publication. This applies to opinions developed by the Authority and by a Member State
271 body and should provide members and the Authority with the opportunity to be prepared
272 for questions which may arise and to discuss and fine-tune accompanying press
273 material.

274
275 (2) In cases where there is scientific divergence which has not been resolved the
276 Advisory Forum will facilitate the coordination of the communications on the issue in
277 conjunction with the publication of a joint document clarifying the contentious scientific
278 issues and identifying the relevant uncertainties in the data.

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280 **Article 18: Public consultation**

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282 (1) The Authority shall consult with the Advisory Forum on particular on scientific
283 opinions / guidance expected to attract wide interest. Members shall support the
284 undertaking of public consultation by Member State bodies working on scientific opinions
285 where there is likely to be interest to the wider community.

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287 **Chapter III: European Networking**

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289 **Article 19: Scientific Networks**

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291 For the purpose of exchanging information and cooperation between the Authority and
292 the competent bodies in the Member States relating to work in the areas within its remit,
293 in accordance with the relevant Management Board Decision, the Authority shall
294 establish scientific networks with the agreement of the Advisory Forum. Members may
295 identify and nominate national organisations to take part in such networks.

296
297 **Article 20: Prioritisation of Work**

298
299 (1) Advisory Forum members, supported by Focal Points, shall consult at national level
300 with organisations on the Article 36 list to identify proposed areas of work in the remit of
301 the Authority for consideration by the Forum as part of discussions on work planning and
302 prioritisation.

303
304 (2) On the basis of work carried out within its Advisory Forum, the Authority shall
305 identify scientific actions of common interest which could be undertaken within the
306 network of competent organisations.

307
308 (3) Involvement of Member State organisations being on the Article 36 list in EFSA's
309 projects shall be promoted by collaboration through the development of joint projects
310 under the EU Risk Assessment Agenda.

311
312 **Article 21: List of Competent Organisations designated by the Member States**

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314 (1) The Advisory Forum shall ensure that there is a good general match between the
315 requests for contributions which the Authority puts to the organisations on the List of
316 Competent Organisations and the scope of those organisations to respond favourably to
317 these requests. Members will therefore have responsibility to keep an overview of the
318 organisation of their Member States on the List and whether these match the work
319 programme and requests. If this is not the case, Members shall identify organisations

320 with potential to contribute to the Authority's work. The Authority will support the
321 Advisory Forum by making the necessary information available .
322

323 **Article 22: Tasks involving organisations on the List of Competent**
324 **Organisations**

325
326 (1) The Executive Director may seek advice of the Advisory Forum to entrust either to
327 one organisation on the list or to several working together, specific agreed tasks, in
328 particular preparatory work for scientific opinions, scientific and technical assistance,
329 collection of data and identification of emerging risks. In accordance with the relevant
330 financial rules , some of these tasks may be eligible for financial support in the form of
331 subsidies (grants).
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333 **Chapter IV: Common Provisions**

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335 **Article 23: Declarations of Interest and declaration on confidentiality**

336
337 (1) Members shall comply with the rules set down by the Authority on Declarations of
338 Interest, which includes commitment to comply with rules on confidentiality.
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340 **Article 24: Reimbursement of expenses**

341
342 (1) Members shall comply with the rules on reimbursement of travel expenses and
343 payment of allowances and indemnities laid down in the EFSA Experts Compensation
344 Guide
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346 **Article 25: Entry into Force**

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348 These rules shall enter into force on the day of their adoption by the Management Board.

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349 **Annex II – Provisions and Changes**

350 **Summary table detailing origin/basis of Articles in revised**
 351 **Decision.**

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Decision Reference	Legal Reference	Explanation
Art.1 (1)	Founding Regulation ⁷ (FR) Art.27 (1)	Provision from existing Decision and statement of legal provision with clarification and reference to status of Iceland and Norway
Art.1 (2)	FR Art.27 (1)	New provision - clarification of procedure of designation of representative by "Member State"
Art.1 (3)	FR Art.27 (1)	Provision from existing Decision and statement of legal provision with additional detail to appointment of alternates
Art.1 (4)		New provision - detailing perceived role of AF members as a representative of their MS - reference to outcome of AF review
Art.2 (1)	FR Art.27 (5)	Statement of legal provision
Art.2 (2)		Provision from existing Decision
Art.3 (1)	FR Art.27 (7)	Provision from existing Decision
Art.3 (2)	FR Art.27 (7)	Provision from existing Decision with clarification regarding Art.27 (7) following established practice to invite EP and EC to meetings
Art.3 (3)		New provision - reference to observer countries following established practice to invite them to attend meetings
Art.4	FR Art.27 (6)	Provision from existing Decision and statement of legal provision simplified
Art.5		New provision - reference to FPs, needed to underline general concept of national networking and information flow and support of AF members in their roles
Art.6 (1)	FR Art.27 (5)	Provision from existing Decision simplified
Art.6 (2)		Provision from existing Decision simplified
Art.6 (3)	FR Art.27 (5)	Provision from existing Decision clarifying legal provision
Art.7 (1)		Provision from existing Decision, modified according to outcome of AF review to underline active role of AF members in agenda setting
Art.7 (2)		New provision - procedural description
Art.7 (3)		Procedural description to clarify cooperation of AF,

⁷ Regulation (EC) No 178/2002

		EFSA and FPs and information flow
Art.8 (1)		Provision from existing Decision
Art.8 (2)		Provision from existing Decision with clarifications
Art. 8 (3)		Provision from existing Decision
Art.9 (1)		Provision from existing Decision with clarifications
Art.9 (2)		Provision from existing Decision
Art.9 (3)		Provision from existing Decision
Art.10		Revision of existing provision providing basis for establishing Discussion Groups of the Forum and removal of reference to Working Groups in line with established practice
Art.11		Simplified existing provision
Art.12	FR Art.27 (3)	New provision relating to advice to ED
Art.13(1)		New provision related to findings of AF Review
Art.13(2)		New provision enabling means for 13 (1)
Art.14	FR Art. 27 (4); 30 (1); 36 (1)	New provision underlining importance of information sharing, sharing of forthcoming RA to avoid duplication of work and scientific divergence, reference to EURAA and AF Review
Art.15(1)	FR Art.30 (4)	New provision; Detailed operational description
Art.15(2)	FR Art.30 (4)	New provision; Detailed operational description
Art.15(3)	FR Art.30 (4)	New provision; Detailed operational description
Art.15(4)	FR Art.30 (4)	New provision; Detailed operational description
Art.16		New provision detailing need to have guidelines for cases of Art.30(4) for both EFSA and MS
Art.17 (1)	FR Art.40 (3)	New provision detailing established practice on risk communication
Art.17 (2)	FR Art.30 (4)	New provision; Detailed operational description
Art.18		New provision - public consultation, support of AF members, national networking as referring to EURAA and AF Review
Art.19	FR Art.36	New provision - alignment of Art.36 organisations and Scientific Networks, national networking, reference EURAA; clarification of AF members role in nominating organisations
Art.20 (1)	FR Art.27 (3); 36	New provision - specification regarding operational procedures for Art.36 list, cooperation at national level, national networking, information exchange
Art.20 (2)	Implementing Rules ⁸ (IR) Art.3 (1)	New provision detailing role of AF members
Art.20 (3)	FR Art.27 (3); IR Art.3 (1)	New provision detailing basis for joint projects with reference to EURAA
Art.21	FR Art.36; IR Art.4 (2)	New provision - specification regarding operational aspects of Art.36 list
Art.22	IR Art.4 (3)	New provision clarifying activities of Forum in relation to tasks entrusted to Art.36 organisations.

⁸ Regulation (EC) No 2230/2004

Art.23	ED Decision	Provision from existing Decision simplified
Art.24	Expert Compensation Guide	Provision from existing Decision simplified
Art.25		Provision from existing Decision

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358 **Glossary**

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360 FR – Founding Regulation

361 AF – Advisory Forum

362 MS – Member States

363 EP – European Parliament

364 EC – European Commission

365 FP – Focal Point

366 ED – Executive Director

367 RA – Risk Assessment

368 EURAA – EU Risk Assessment Agenda

369 EU – European Union

370 EFSA – European Food Safety Authority

371 IR – Implementing Rules

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