

LEGAL & REGULATORY AFFAIRS UNIT

70th Meeting of the EFSA's Management Board

Minutes of the Public Session

Parma, 5 October 2016 – 9:00-15:15

Members of the Management Board Present	
Jaana Husu-Kallio (Chair)	Ladislav Miko
Raymond O'Rourke (Vice-Chair)	Jan Mousing
Robert van Gorcom (Vice-Chair)	Giuseppe Ruocco
Aivars Bērziņš	Andrej Simončič
Zita Čeponytė	András Székács
Iñaki Eguileor	Piet Vanthemsche
Didier Houssin	

Apologies: Stella Michaelidou-Canna and Michael Winter

Staff of the European Food Safety Authority	
Bernhard Url (Executive Director)	Mary Gilsenan
Gian Luca Bonduri	Arthur Healy
Hubert Deluyker	Juliane Kleiner
Peter De Pauw	Jeffrey Moon
Guilhem de Seze	Alberto Spagnolli
Dirk Detken	Hans Verhagen
Barbara Gallani	Selomey Yamadjako

Also attending:

Anthony Hardy, Chair of the EFSA's Scientific Committee

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SUMMARY OF DECISIONS

The Management Board welcomed Aivars Bērziņš, Zita Čeponytė, Didier Houssin, Giuseppe Ruocco and Andrej Simončič as new members.

Jaana Husu-Kallio was elected Chair of the Management Board. Robert Van Gorcom and Raymond O'Rourke were elected Vice-Chairs.

A new Audit Committee was nominated, which is composed of the following members: András Székács (Chair), Andrej Simončič (Vice-Chair), Iñaki Eguileor, Xavier Prats Monné, Robert Van Gorcom and Piet Vanthemsche.

The Board adopted:

- The Revised Operational Procedures of the Advisory Forum. The new procedures include provisions on the role of the Advisory Forum in the context of implementing Art. 30 (scientific divergence) and Art. 36 (scientific networks) of EFSA's Founding Regulation.
- The Implementing Rules of the Staff Regulations on part-time work, which the Board adopted by analogy. The Board also decided not to adopt the Commission Decision regarding the maximum duration for the recourse to non-permanent staff in the Commission services.
- The amendment to the Art. 36 list of organisations (7 new entries and 6 withdrawals) which are entitled to assist EFSA with its mission.
- The amendment to the EFSA budget 2016 with the inclusion of the bank interests matured over the last year.
- Some adaptations to the EFSA budget structure that will be implemented in the 2017 financial year.

The Board **discussed and exchanged views** on the review of EFSA independence policy. The Board endorsed EFSA's timeline, working methods and main subjects for the review of its policy on independence. A Board working group will guide EFSA towards the next steps of the policy revision, with a view to adopt the revised policy in summer next year.

In addition, the Board noted:

- EFSA's progress report, which provided information on the activities carried out from 1 June to 15 September 2016. Prof. Anthony Hardy, Chair of the Scientific Committee, complemented EFSA's report by presenting an overview of the activities carried out, *inter alia*, in the areas of chemical mixtures, biological relevance, weight of evidence, scientific uncertainty and scientific authorship.
- The presentation on Open Data, outlining EFSA's activities aimed at increasing public access to risk assessment data, in line with the EFSA Strategy 2020.
- The update on the implementation of the procedure for the renewal of the ANS and CEF Scientific Panels. The procedure will be finalised at the beginning of next year, with a view to submit to the Board a proposal for the new composition of the ANS and CEF Panels at the March 2017 meeting. Iñaki Eguileor agreed to represent the Board taking part as observer to the meeting of the external reviewers on 15 November.
- The presentation on the EFSA Journal, which updated the Board on the latest developments with the move of the Journal to the Wiley online library, the benefits and the future developments.
- The feedback from the Chair of the former Audit Committee, who reported, among others, on EFSA's business continuity plan, the IAC follow-up report on

actions from the IAS 2013 risk assessment, the EFSA's IT governance and management, EFSA information security and the IAC 2016 annual audit plan.

- EFSA's 2016 budget execution and transfers, including an overview on the commitment and payment levels until the end of August.

Item 1: Opening of the meeting by the European Commission

1. The meeting was opened by the European Commission alternate member of the Management Board, Ladislav Miko, who chaired it until the election of the Chair and Vice-Chairs of the Board.
2. He opened the 70th Management Board meeting by welcoming the Board members, Executive Director, Chair of the Scientific Committee, EFSA Management Team and staff members. In particular, he welcomed Aivars Bērziņš, Zita Čeponytė, Didier Houssin, Giuseppe Ruocco and Andrej Simončič, who participated in the meeting of the Management Board for the first time following their nomination as members of the Board as of the 1st of July 2016 (decision of the Council of the European Union dated 16 June 2016). The Chair invited them to briefly introduce themselves.
3. As well, the Chair welcomed Guilhem de Seze, the new Head of the Department for the Scientific Evaluation of Regulated Products, who participated in the Board meeting for the first time. The Board thanked Juliane Kleiner for her considerable contribution to the organisation during her interim as Head of the Department for the Scientific Evaluation of Regulated Products.
4. The Chair asked the Board if they wished to add any items to the agenda. The agenda was adopted as proposed.

Item 2: Board members' Declaration of Interests

5. The Chair invited the Board members to declare possible interests in addition to those already declared with their Annual Declaration of Interests. Iñaki Eguileor declared that he had recently been appointed as coordinator of the Agrofood Group within the Metrology Forum of the 'Foro de Metrología de la Asociación Española de la Calidad' (AEC) and of the 'Centro Español de Metrología' (CEM). The Board noted the declarations of interest submitted by its members.

Item 3: Election of the Chair and Vice-Chairs of the Management Board

6. The Chair invited Dirk Detken (Head of the Legal & Regulatory Affairs Unit) to describe the procedure for the election of the Chair and Vice-Chairs in accordance with the provisions of the Management Board Rules of Procedure.
7. The Board nominated Dirk Detken and Gian Luca Bonduri as tellers for the voting procedure.
8. The Chair informed the meeting that the previous day, during the private session, the Board verified the absence of unanimity to waive the secrecy of the vote in accordance with Art. 2(2) of the Management Board Rules of Procedure. Hence, the Chair and Vice-Chairs were elected by secret ballots.
9. The Chair asked to the fellow members to put forward their candidatures for the positions of Chair and Vice-Chairs of the Management Board. Jaana Husu-Kallio was the only candidate for the position of Chair. She said that she would be honoured to serve as the Chair of the Management Board and accepted the candidature. Didier Houssin, Raymond O'Rourke, Giuseppe Ruocco, András Székács and Robert Van Gorcom were the candidates for the position of Vice-Chairs.
10. The Chair opened the vote procedure for the election of the Chair. Jaana Husu-Kallio was elected Chair of the Management Board by unanimity. She accepted her election and thanked the fellow members for the confidence they expressed on her capacities.
11. The Chair opened the vote procedure for the election of the first Vice-Chair. Robert Van Gorcom was elected by simple majority as Vice-Chair of the

Management Board following five rounds of votes. Robert Van Gorcom accepted his election as Vice-Chair of the Board.

12. The Chair opened the vote procedure for the election of the second Vice-Chair. Raymond O'Rourke was elected by unanimity as Vice-Chair of the Management Board following four rounds of votes. Raymond O'Rourke accepted his election as Vice-Chair of the Board.
13. Jaana Husu-Kallio took over the chairmanship of the Management Board meeting.

Item 4: Nomination of the Chair and Members of the Audit Committee

14. The Chair invited Dirk Detken to describe the procedure for the nomination of the Chair, Vice-Chair and members of the Audit Committee in accordance with the provisions of the Audit Committee Charter.
15. The Board agreed on the composition of the Audit Committee as follows: András Székács (Chair), Andrej Simončič (Vice-Chair), Iñaki Eguileor (Member), Robert Van Gorcom (Member) and Pieter Vanthemsche (Member). In addition, the representative of the European Commission seats at the Audit Committee with the position of Member.

Item 5: Adoption of the agenda

16. The point was covered with item 1 above.

Item 6: EFSA progress report

17. The Chair invited the ED to introduce the report summarising the activities carried out by EFSA from the 1st of June to the 15th of September 2016, including those performed until the Board meeting date. Among others, he highlighted the scientific outcomes on *Xylella fastidiosa*, Lumpy skin disease, food colours, bisphenol A, copper in animal feed, microplastics and nanoplastics in food and the dietary reference value opinion on choline. As well, he underlined that, in respect of the EU law on protection of commercial interests, EFSA was about to release the raw data received from industry and considered during the assessment of glyphosate. In the communication area, *inter alia*, the ED emphasised EFSA hackathon innovation prize and the move of the EFSA Journal to the Wiley Online Library (see also item 12 below). With regards to institutional relations, the ED reported on his meetings with MEP Maryia Gabriel. In the reporting period, he also visited ANSES (France), RIVM (The Netherlands) and VARC (Belgium) discussing around opportunities for scientific cooperation. In October, EFSA opened the registration of stakeholders in line with the new stakeholder engagement approach. A separate [PowerPoint presentation](#) is available online for a detailed description.
18. The Chair invited Anthony Hardy, Chair of the Scientific Committee (SC), to bring up to date the Board on the activities that the SC executed during the reporting period. Anthony Hardy highlighted the work performed in the areas of (i) Chemical mixtures; (ii) Biological relevance; (iii) Weight of evidence; (iv) Scientific uncertainty and (v) Scientific authorship. A separate [PowerPoint presentation](#) is available online for a detailed description.
19. The following questions and comments were received:
 - Additional information was asked with regards to the ongoing court cases.
 - EFSA is currently engaged in two Court cases: one on the release of commercially sensitive data and one on human resource issues. It was proposed to periodically annex to the Progress Report a table summarising the cases involving EFSA.

- Comments were received on the distribution of resources between Activities I and II, and a Board member asked information on the lower number of outputs in the areas of health claims and novel foods.
 - The ED underlined the trend that over the past years saw an increasing workload in Activity II (Regulated products). For this reason, in recent years EFSA had moved resources from Activity I to Activity II, but this might hardly be continued in the coming future without undermining the role that EFSA is called to play in the area of generic risk assessment and methodological harmonisation of risk assessment approaches. With regards to the number of health claims and novel food applications, Juliane Kleiner explained that EFSA had received fewer applications than foreseen at the beginning of the year.
- Status of the applications in “stop-the-clock” and delays in the area of MRLs.
 - EFSA is currently working on a plan for the absorption of the workload in the pesticide area and activities are being carried out to identify elements allowing a higher procedural efficiency in performing assessment activities.
- EFSA’s approach with regards to the release of data submitted by industry.
 - The ED underlined that the Authority is called to strictly comply with the legal framework protecting the legitimate commercial interests of the food and feed operators. EFSA is willing to disclose data as long as the commercial interests of the data owners are not compromised.

20. The Board noted the progress report and thanked the ED, the Chair of the SC, EFSA’s scientific experts and staff for the work carried out during the reporting period.

Item 7: Open Data

21. The Chair invited Hans Verhagen (Risk Assessment and Scientific Assistance) to introduce the item.

22. Hans Verhagen highlighted that EFSA’s Strategy 2020 includes, among its strategic objectives, the widening of EFSA’s evidence base and access to data. This implies the further development of collaborative platforms aimed to promote a two-way data exchange with both European and international organisations. He provided an overall description of the data source used by EFSA and presented the main features of the EFSA Data Warehouse. As well, he underlined the activities that are being carried out in the framework of the TERA project, which are aimed at increasing accessibility to data and improve the transparency of the scientific decision making. Concluding, he described the next steps in pursuing EFSA’s open data objectives. A separate [PowerPoint presentation](#) is available online for a detailed description.

23. Questions and comments were received on:

- The collaboration of EFSA with the EU Member States in the field of data collection and data exchange.
 - EFSA maintains strict collaboration relations with the Member States in the field of data collection and exchange, especially thanks to the Advisory Forum.
- The collaboration of EFSA with international organisations outside the European Union.

- EFSA entertains excellent collaboration relations with several international organisations with which, however, there is no structured agreement as far as the exchange of data is concerned. Data are mostly exchanged on an ad-hoc basis and upon submission of specific requests.
- A Board member stressed that EFSA's efforts towards a wider access to data need to take into account the limits imposed by the legal framework currently in force, which guarantees the safeguarding of the data owners' interests.
- Whether among the EU agencies a common strategy exists with regards to the open access to data.
 - The ED pointed out that each EU agency is called to operate within the boundaries of specific regulatory frameworks, which, despite the presence of similarities, are not entirely harmonised with regards to access to data. Overall, the interest on open data is high in the agenda of the EU agencies, and it is for this reason that EFSA, when taking over the chairmanship of the Network of EU Agencies in 2017, plans to launch a specific initiative on data access and data openness.
 - Additional information was asked as regards the "Circle of Trust".
 - Mary Gilsenan (Head of the Evidence Management Unit) explained that this is a voluntary initiative currently seeing the participation of 12 to 14 Member States. The main objective of this initiative is to stimulate the discussion around open data and to move it into more action. Attention is focused on the contaminant occurrence at raw data level.

24. The Board noted the presentation on open data.

Item 8: EFSA independence policy

25. The Chair invited the ED to introduce the item.

26. Following up the discussion held at the previous Board meeting in June, the ED proposed the timeline, working methods and main subjects for the review of EFSA's policy on independence. He also suggested the establishment of a Board working group that would be called to reflect on fundamental elements of the current policy and provide guidance on the way forward. A separate [PowerPoint presentation](#) is available online for a detailed description.

27. Questions and comments were received on:

- Within the framework of the public consultation, EFSA should also consult the Advisory Forum and Stakeholders Forum.
- The review should also take into consideration the feedback from the scientific experts working for EFSA.
- Reflections should perhaps be carried out around the definition of conflict of interest.
- The review of the policy should be carried out in application of a result-driven approach.
- The analysis of how media perceive EFSA's current independence policy might help reflecting around the themes of major concern.
- The review might also be carried out in view of a cost-benefit analysis of EFSA's independence system.

- The review should take into consideration the European Union guidelines on prevention and management of conflicts of interest in decentralized agencies.
- The European Parliament should be kept informed of the activities EFSA is carrying out to review its independence policy.

28. The Board endorsed the proposal presented by the ED and agreed with the creation of a Board working group composed of four members: Raymond O'Rourke, Jan Mousing, András Székács and Michael Winter.

Item 9: Revised operational procedures of the Advisory Forum

29. Following the discussion held at the previous Board meeting in June, Barbara Gallani (Communication & External Relations) presented the revised operational procedures of the Advisory Forum for possible adoption by the Board. The revised procedures aim to streamline and better structure the text, put less emphasis on procedural aspects and introduce reference to the Advisory Forum role in the context of Art. 30 (scientific divergence) and 36 (scientific cooperation and networking) of EFSA's Founding Regulation. A separate [PowerPoint presentation](#) is available online for a detailed description.

30. Questions and comments were received on:

- The decision did not need amendments aimed at reflecting a possible future status of the UK post-Brexit in the Advisory Forum, since the Art. 50 of the Nice Treaty had not been triggered yet by the UK government.
- EFSA confirmed that the Member States were required to nominate their representatives via the national Permanent Representations to the EU.

31. The Board adopted the revised operational procedures of the Advisory Forum.

Item 10: Implementing Rules of Staff Regulations

32. Dirk Detken (Legal & Regulatory Affairs) introduced to the Board the draft Decision for adoption by analogy of the Implementing Rules of the Staff Regulations on part-time work. He briefly highlighted the main differences between the new and the current implementing rules. As well, he presented the draft Decision to opt-out from the Commission's Implementing Rules regarding the maximum duration for the recourse to non-permanent staff in the Commission services. Finally, he anticipated that new implementing rules were planned to be submitted to the Board in December 2016 and later in 2017. A separate [PowerPoint presentation](#) is available online for a detailed description.

33. Replying the question of a Board member, Dirk Detken confirmed that the EFSA Staff Committee had been consulted on the Implementing Rules submitted for adoption.

34. A Board member asked EFSA to provide the Board with a report on the staff wellbeing at the Agency.

35. The Board adopted the Decision on the adoption of implementing rules on part-time work by analogy and the Decision on the non-application of the Commission Decision on the maximum duration for the recourse to non-permanent staff in the Commission services.

Item 11: Update on the procedure for the renewal of the ANS and CEF Scientific Panels

36. Juliane Kleiner informed the Board that EFSA had received 223 applications (230 for the previous call in 2013), of which 191 resulted eligible (192 for the 2013 call). The majority of applications were received from experts based in Italy,

Spain, Germany, France and the United Kingdom, whilst no application was received from Estonia, Latvia, Luxembourg, Poland and Slovakia. Statistics show that 55% of applicants are men and 45% women. The great majority of applicants got information on the call from EFSA's staff, scientific experts and EFSA's website. On the 15th of November, internal and external evaluators will meet to discuss the scoring results. Iñaki Eguileor will attend that meeting in representation of the Board and with the role of observer. In March 2017, EFSA will submit to the Management Board a proposal for the nomination of the Panel members. A separate [PowerPoint presentation](#) is available online for a detailed description.

37. The Board noted the update on the procedure for the renewal of the ANS and CEF Scientific Panels.

Item 12: EFSA Journal

38. Arthur Healy (Risk Communication) presented the Board with the developments of the EFSA Journal following its move to the Wiley Online Library platform. He commented the recommendations stemming from the EFSA Journal review exercise that was carried out in 2014 and how these recommendations had been addressed. With a live demo, he guided the Board members through the new features of the EFSA Journal. A separate [PowerPoint presentation](#) is available online for a detailed description.
39. A member asked whether EFSA plans to monitor if the move to the new online platform will increase the number of citations. Arthur Healy said that EFSA will carry out this kind of monitoring with the view of drawing conclusions in 12 to 18 months.
40. The Board noted the presentation on the EFSA Journal.

Item 13: Amendments to Art. 36 list of organisations

41. Barbara Gallani (Communications and External Relations) informed the meeting of EFSA's proposal to add 7 new organisations, based in Belgium (1), Finland (1), France (1), Norway (1), Portugal (1) and United Kingdom (2) to the list of organisations capable of assisting the Authority in performing its tasks.
42. The Chair highlighted that among the organisations that the Board was asked to include in the Art. 36 list there was the Natural Resources Institute Finland, a research institute of the Finnish Ministry of Agriculture and Forestry. Although the Natural Resources Institute Finland is an independent organisation, in view of the fact that she covers the role of Permanent Secretary at the Finnish Ministry of Agriculture and Forestry, the Chair declared that she will abstain from voting the inclusion of that organisation in the list.
43. The Board adopted the amended Art. 36 list of organisations.

Item 14: Feedback from the Audit Committee

44. The Chair of the former Audit Committee (AC) updated the Board on the outcomes of the meeting held on the 4th of October. He reported that EFSA is currently reviewing its Business Continuity Plan and that in 2017 a crisis simulation exercise will be carried out. The AC reviewed the IAC action plan following the IAS 2013 Risk Assessment and noted that most of the actions had been completed. The outstanding actions are planned to be fully addressed between the end of 2016 and the beginning of 2017. The AC discussed the IAS draft report on the audit carried out on EFSA's IT Project Management and IT Governance. The IAS draft report highlights that EFSA's IT Project Management process is overall adequately controlled. However, significant weaknesses had

been identified in the area of IT Governance. EFSA had prepared comments to the IAS draft report in view of its finalisation by the end of the year. In occasion of the December 2016 meeting, the AC will receive additional information on this matter. With regards to EFSA's Information Security system, the AC noted that activities are being developed according to the plan and that they are overall on track. EFSA provided the AC with a detailed overview and financial breakdown of the services it outsources, which, *inter alia*, include IT services, services in the area of facilities, as well as consultancy services for the management. EFSA was asked to provide the AC with the financial overview of the outsourced services every two years. Finally, in view of the recent developments with regards to the re-organisation of the assurance functions in EFSA, the AC revised the IAC 2016 Audit Plan.

45. The Board noted the feedback from the Audit Committee and thanked Robert Van Gorcom for his significant contribution to the AC activities during his chairmanship over the last two years.

Item 15: EFSA's budget: Amendment 2016 and Structure 2017

46. With regards to the budget 2016, Selomey Yamadjako (Resources and Support) clarified that in accordance with the Financial Regulations, every year the Board is called to adopt a decision aimed at integrating into the current budget the amount representing the bank interests matured over the previous year. She informed the Board that from October 2015 to October 2016 the bank interests amounted to € 78,944.73 and that the amount would be allocated under the budget line 2001 – "Acquisition", which covers the payments for the purchase of the EFSA seat.
47. The Board adopted the amendment of the EFSA budget 2016.
48. In addition, Selomey Yamadjako presented proposals for the revision of EFSA's budget structure in view of the 2017 financial year.
49. The Board agreed with the suggested structure changes.

Item 16: 2016 budget execution and transfers

50. Selomey Yamadjako informed the Board that, at the end of August, EFSA commitment and payment levels were respectively 0.03% above and 3% below the target for this time of the year. Despite the delay, she said that the yearly target for payments remains unchanged and that no critical issue had been identified. Budget transfers between chapters amounted to a total of 2.17 million, which represent 2.73% of EFSA's overall budget in 2016. A separate [PowerPoint presentation](#) is available online for a detailed description.
51. The Board noted the presentation on EFSA's 2016 budget execution and transfers.

Item 17: Any other business

52. With regard to the third external evaluation of EFSA, which is scheduled to be carried out in 2017, the Chair proposed to set up a Steering Committee composed of the following members: herself, Didier Houssin, Aivars Bērziņš and Pieter Vanthemsche. The Board agreed with the proposal of the Chair.

END

Actions Arising

Action reference	Action	Deadline	Status
Oct. 5, 2016 - 1	EFSA to periodically annex to the Progress Report the table summarising the Court cases.	As of the Dec. 2016 meeting	DONE
Oct. 5, 2016 - 2	EFSA to provide the Board with a report on the staff wellbeing.	ASAP	DONE
Oct. 5, 2016 - 2	EFSA to provide the Audit Committee with the financial overview of the outsourced services every two years.	2018	OPEN