



EFSA CODE OF CONDUCT ON DECLARATIONS OF INTERESTS

Introduction

Regulation 178/2002 establishing the European Food Safety Authority (EFSA) highlights the importance of ensuring the confidence of the Community institutions, the general public and interested parties in the Authority. To that effect it is essential to ensure its independence, high scientific quality, transparency and efficiency.

Integrity and high standards of professional conduct by all those involved in the activities of the European Food Safety Authority - members of the Management Board, Advisory Forum, scientific committee and panels, external experts and staff - are therefore crucial for its independence and for its reputation.

The EFSA has now become fully operational and it is clear that some guidance is needed in relation to several points of critical importance relating to direct and indirect interests and the necessity to declare them in order to avoid potential conflicts of interest.

1. Legal basis

Article 37 of Regulation (EC) No 178/2002 as amended lays down provisions which require that

1. The members of the Management Board, the Members of the Advisory Forum and the Executive Director 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. Those declarations shall be made annually in writing.

2. The members of the Scientific Committee and the Scientific Panels shall undertake to act independently of any external influence.

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. Those declarations shall be made annually in writing.

3. The members of the Management Board, the Executive Director, the members of the Advisory Forum, the members of the Scientific Committee and the Scientific Panels, as well as external experts participating in their working groups shall declare at each meeting any interests which might be considered prejudicial to their independence in relation to the items on the agenda.

The Executive Director has decided that the requirement to declare interests should extend to the Deputy Executive Director/Director of Science and all A grade staff in the Authority's Science, Communications, Institutional and Legal Departments.

The forms for the declaration of commitment and annual declaration of interests are annexed to the respective implementation instruments¹ and are set out in Annex.

2. Who should declare interests?

- All Management Board, Advisory Forum, Scientific committee and Panels members and external experts
- The Executive Director, the Deputy Executive Director and all A grade staff in the Science, Communications, Institutional and Legal Departments.
- The EFSA Code of Conduct will apply by analogy to all visiting staff (e.g. national experts on secondment, trainees or visiting experts).

3. What to declare?

Each individual is responsible for the declaration of his interests and those held by members of his household.² Interests may include those held by members of his household, membership of interest group etc. In order to maintain privacy, the names of household members do not need to be declared.

What is an interest?

There are essentially three categories of interests:

(a) Financial interests

Any financial interests in a company operating in the food or feed business³, including holding of stocks and shares, equity, bonds, partnership interests⁴ in the capital of a company, one of its subsidiaries or a company in the capital of which it has a holding.

The holding of financial interests connected with a pension scheme previously contracted prior to the nomination or appointment at EFSA and/or interests in non-nominal unit trusts or similar arrangements would not, in principle, have particular consequences providing the individual has no influence on financial management.

(b) Work carried out for a company operating in the food or feed business

During the preceding five years, all activities performed for or on behalf of a company operating in the food or feed business⁵, whether or not these activities have been subject to regular or occasional remuneration in cash or kind, including:

¹ Decision concerning the establishment and operations of the Scientific Committee and Panels, (adopted by the Management Board on 17.10.2002); Rules of procedure of the Management Board (as last amended on 16.9.2003); Rules of Procedure of the Advisory Forum (as last amended on 18.6.2003)

² Spouse or partner and dependent children living in the same household.

³ By reference to the definitions set out in Article 3 of Regulation (EC) 178/2002, food or feed business should be taken to mean any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food or feed.

⁴ When declaring financial interests e.g. stocks and shares, only the kind, number and company name need be stated.

⁵ Company name, position held and activities performed should be set out clearly and precisely. Where activities relate to (a) specific product(s) or substance(s), declarations must indicate product or substance name and nature of the work.

- Participation in the internal decision-making of a company (e.g. Board membership, executive or non executive directorship)
- Permanent or temporary member of the personnel of a company. Other activities performed within a company (e.g. traineeship) are also subject to declaration.
- Work contracted out by companies, through consultancy or otherwise.

(c) Other links with the food or feed business

During the preceding five years, all assistance and support received from the food or feed business, whether associated with direct or indirect pecuniary or material benefits, including:

- Grants for study or research
- Fellowships or sponsorships endowed by a company operating in the food or feed business

(d) “Intellectual” interests

Interests of non-pecuniary or material benefits to the individual, arising from professional activities or affiliation with national or international organisations or bodies with tasks similar to EFSA or participation in public interest groups, professional societies, clubs or organisations which have an agenda or an interest or involvement in the Authority’s work.

What are direct and indirect interests?

Interests can be direct or indirect depending on their likely or potential impact on the individual’s behaviour at a given point in time.

Direct interests: Interests of personal benefit to the individual at the time of declaration, likely to influence or give the appearance of influencing his behaviour (e.g. employment with a company operating in the food or feed business, financial interests of a certain magnitude)

Indirect interests: Other interests that may have some influence over the individual’s behaviour and therefore have to be neutralised.

The holding of direct interests of a certain magnitude would in principle be incompatible with membership or affiliation to EFSA. Regulation (EC) 178/2002 does not prohibit the holding of indirect interests, which are subject to public declaration. Indirect interests should be scrutinised so that precautions can be taken in order to ensure impartiality of decision taking. Appropriate actions could include precluding the individual from certain functions or tasks (e.g. rapporteur) or requiring abstention from part of the relevant proceedings or voting in a meeting.

4. When to declare?

Initial declaration

Upon nomination or appointment, each individual concerned is required to fill out a commitment of independence and declaration of interests’ form.

Appointment as rapporteur

Members of the Scientific committee, a panel or working group should not accept appointment as rapporteur for an opinion if it becomes apparent that there could be a conflict of interest because that person has personal involvement in the studies contained in the dossier.

Spontaneous declarations

If during assessment or advisory work, a potential conflict becomes apparent to a member or expert, then it must be declared to the chairperson immediately who will notify the Secretariat and appropriate action agreed to. This in particular would include a situation where an expert is asked to assess data of his own research or his own expert report in a dossier.

Updates

Declarations of interests must be updated at least annually or as soon as an update is required for any new situation arising.

5. Operational aspects

Tasks of EFSA staff

The EFSA Scientific staff, under the direct responsibility of the Director of Science, undertakes the following:

- To remind all parties concerned of their obligation to declare the interests;
- To monitor regularly declarations and preliminary appraisal of compatibility of interests declared with general or specific office or duties of the individuals concerned;
- To initiate and facilitate handling of issues in close liaison with the meeting chairperson (e.g. scientific committee, panel or working group).

In accordance with Article 38 of Regulation (EC) 178/2002, the Authority will also ensure the public availability of annual declarations of interests. Declarations made at meetings and the outcome of discussions shall be duly recorded in meeting minutes.

Obligations of individuals concerned

Members of the Management Board, Advisory Forum, Scientific Committee, Panels and experts have a primary obligation to disclose at any time the existence of possible conflict of interests that may place the impartiality of EFSA at risk. The individual should state in particular the type and nature of interests, specifying whether they are general or relate to a specific product or substance. If the conflict is product or substance-related, prior involvement in relation to competing products and past and current links with companies should also be declared.

Meeting proceedings

Individuals have the primary responsibility for spontaneously declaring any conflict of interest at all times.

In accordance with Article 38 (d) of Regulation (EC) 178/2002, meeting chairpersons should at each meeting request whether interests with specific items on the agenda exist. The outcome should be recorded in minutes of meetings together with statements on interests declared.

On the basis of the type and nature of interests noted, the Chairperson, in consultation with EFSA staff, could consider various options, including:

- Fundamental incompatibility with membership
- Temporary exclusion from the meeting
- Active participation in proceedings, no voting
- Passive participation in proceedings, no voting
- Active participation in proceedings, voting

ANNEX 1: COMMITMENT OF INDEPENDENCE

Name: _____

Position : ☐ Member of the SC
 ☐ Member of a Panel on :.....
 ☐ Member of a Working Group

I hereby undertake to act independently of any external influence. In particular I know that I am obliged to make an annual written declaration of interests and to declare at each meeting of the Scientific Committee or the Scientific Panels or of their Working Groups any interest which might be considered prejudicial to my independence in relation to the items on the agenda.

DONE AT _____ ON _____

ANNEX 2: ANNUAL DECLARATION OF MEMBER'S INTERESTS

Name: _____

Position : ☐ Member of the SC
 ☐ Member of a Panel on :.....
 ☐ Member of a Working Group

Information on direct or indirect interests of relevance to the mission of the Authority

(1) Direct interest (financial benefits arising from, for example, employment, contracted work, investments, fees etc.):

(2) Indirect interests (indirect financial, e.g. grants, sponsorships, or other kind of benefits):

(3) Interests deriving from the professional activities of the member or his/her close family Members:

(4) Any Membership role or affiliation that you have in organisations/bodies/club with an interest in the work of the Authority:

(5) Other interests or facts that the undersigned considers pertinent:

Declaration:

I declare on my word of honour that the information provided above is true and complete.

Done at _____ on _____

Signature: _____