



## **European Food Safety Authority**

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### **EFSA In house procedures for handling a crisis**

#### **Introduction**

1. The Regulation requires the Commission to develop a Crisis Management Plan in close cooperation with the Authority and the Member States. This document is EFSA's own in-house document intended to complement the Commission Plan for use within EFSA. It aims to provide practical information for those who may be called upon in a food safety crisis to provide scientific data or advice, technical support or other support functions.

#### **General approach**

2. Regulation 178/2002:

“Without prejudice to its role of ensuring the application of Community law, where the Commission identifies a situation involving a serious direct or indirect risk to human health deriving from food and feed, and the risk cannot be prevented, eliminated or reduced by existing provisions or cannot adequately be managed solely by way of the application of Articles 53 and 54, it shall immediately notify the Member States and the Authority.”

3. If the criteria in this definition prompt the Commission to declare a crisis then EFSA will normally be in crisis mode as part of this activity. The identification of a crisis may initially come from within EFSA or an external source – in most cases the Commission. It is unlikely that EFSA would be active if the crisis were as a result of a failure of controls unless there were specific new scientific matters to address.

4. However EFSA may have occasion when the Commission has not identified a crisis to decide itself to move into an in-house crisis mode. One example is a situation, where it is normal for EFSA to provide scientific advice, which may ultimately lead to public disquiet. There could be different reasons for public disquiet such as a food risk or a possible health risk. In either situation the Authority will need to act and be prepared while keeping partners informed.

5. Geoffrey Podger or Herman Koëter will inform the appropriate staff that this point has been reached and the in-house plan is activated. It is important that EFSA scientific and communications staff makes the crisis team aware at an early stage of any issue in their domain, which has the potential to reach this point.

6. EFSA responsibilities lie in the area of scientific evaluation of information in order to identify and emerging crisis or assist risk managers with scientific and technical support during a crisis. It may be called into action by the Commission's Crisis Management Unit should the Commission have identified a crisis (see point 7 below), or in other circumstances, when an emerging issue has been identified in EFSA which has the potential to grow into a crisis.

#### **Crisis Unit formed by the Commission**

7. If the crisis unit has been formed by the Commission, Article 55 of the Regulation states the need for the crisis management plan ('the general plan') to specify practical procedures necessary to manage a crisis, including the principles of transparency to be applied and a communication strategy. The legal obligations to set up a crisis unit are laid down in article 56<sup>i</sup> of the Regulation. The Commission shall set up a crisis unit, and EFSA shall be represented in it. The tasks of the crisis unit are defined in article 57<sup>ii</sup>.

#### **EFSA participation in the Commission Crisis Unit**

8. EFSA will co-operate with the Commission and other members of the crisis unit, as described by Regulation 178/2002. EFSA staff participating in the Commission crisis unit will continue to be answerable to their line managers in EFSA. EFSA will act openly and transparently, communicating accurate and scientifically valid information to the crisis unit within the remit of the Regulation.

#### **Communication with national authorities when a Crisis Unit has been formed**

9. EFSA will communicate information as it becomes available. In this context EFSA may use the EFSA Advisory Forum Communications and IT Working Groups as a means of communicating critical issues quickly. EFSA will seek information from national authorities, or other contact points defined by member states, through these networks as the crisis unfolds.

#### **Crisis Unit not formed by the Commission**

10. If the Commission crisis unit has not been formed, EFSA will take its own decisions as to the actions it may need to put in place. This will be determined on a case-by-case basis as determined by the Executive Director or Deputy Executive Director. This will include a responsibility to keep the Commission and national authorities, or other contact points defined by member states, informed of the situation.

#### **EFSA decides to activate its Crisis Team**

11. A situation emerges which Geoffrey Podger or Herman Koeter believe warrants urgent action. The Authority would act immediately in the case of serious direct or

indirect risk to human health deriving from food or feed or in cases where an emerging issue has the potential to evolve into such a risk. Information leading to the setting up of the Crisis Team could come from any reliable source of information, including national authorities.

12. Notwithstanding the possible declaration by the Commission of a crisis, EFSA will then form its Crisis Team. The Commission will be asked if they wish to participate as observers at the EFSA Crisis Team meetings.

### **EFSA Crisis Team**

13.	Geoffrey Podger (in his absence or as otherwise agreed - Herman Koëter)	Head of Team
	Christine Majewski	Crisis coordinator
	Anne-Laure Gassin	Communications
	Herman Koëter	Scientific matters
	Antoine Cuvillier	Legal matters
	Scientific Co-ordinators (depending on issue)	

Deputies to these functions may be designated and an administrative secretary asked to assist the team.

The Crisis Team will be responsible for the co-ordination of all communications with the Commission, national authorities, stakeholder organisations and international contacts.

### **Communications from EFSA when the Crisis Team has started work**

14. As a matter of policy the Crisis Team will ensure that national authorities, the Commission, European Parliament and, where relevant, key stakeholders, are kept informed of important issues throughout the crisis. The Advisory Forum Communication and IT networks will be used to transmit information and all parties involved will endeavour to cooperate to supply and disseminate important information.

### **Information networks**

15. Crisis contact lists for 24/7 access to national authorities, EU and International institutions and external stakeholders are attached in an annex to this document. The Crisis Team will decide at what point information will be circulated to these and on what basis.

### **International contacts**

16. The Head of the Crisis Team will decide when to advise international agencies and stakeholders of key events. These will include for example the FDA, USDA, ANZFA, WHO, FAO, Japan, Canada Health, US EPA, etc. The International and

Institutional Affairs Unit will facilitate such exchanges in cooperation with the parties it is communicating with during the crisis.

### **Communications and Press Queries during a crisis**

17. The Crisis Team has started its work. Should EFSA employees other than the Crisis Team be contacted they should refer the enquiries to:

a. During office hours:

The first point of contact is Anne-Laure Gassin, see telephone list attached. The second point of contact is any person in the Communications Department. Get the name and the organisation of the caller before you pass them on.

b. Outside office hours:

EFSA has instituted an out of hours contact procedure so that members of the crisis team and other key staff can be reached outside office hours. In such instances it is possible for someone calling the out of hours office number, + 32.2.337.29.11, to be forwarded to a person on call duty who will then relay the information to the Crisis Team.

### **Logging of information**

18. All incoming and outgoing information shall be logged by each member of staff receiving and sending information on a crisis matter.

### **Contact details**

19. All members of staff are obliged to keep their contact details updated. Crisis Team members should keep details of who to contact in an emergency, at home or elsewhere.

### **Internal contacts**

20. During office hours, contact Geoffrey Podger, Herman Koëter or Christine Majewski. If anyone in the Crisis Team is contacted after office hours, they should contact each other immediately. The emergency phone list is attached to the crisis plan. All members of staff are obliged to keep their contact details updated.

21. If neither Christine, Herman, Geoffrey, Anne-Laure or Antoine are in the office, try and reach them outside the office. Their office mobile numbers are listed in the Annex. The Crisis Team shall provide contact details when they leave the office.

## **IT**

22. The EFSA IT department can be called in to change the website immediately or to launch an emergency one. See emergency numbers for key IT staff attached.

## **Financial aspects**

23. Funding emergency meetings: Appropriate funds should be released by Finance upon approval from the Head of the EFSA Crisis Team.

For the year 2004 a special fund of 50.000 € is set aside so that the Crisis Team may become operational immediately, enabling it to invite external experts and send staff on missions or take similar measures, without delay.

A derogation in writing from the Executive Director specifies that in these circumstances, Article 126 of Commission Regulation 2342/2002 applies and not the usual rules (See Annex 1).

24. Funding scientific studies: The Authority, as a Community body, is bound by EU procurement rules. These are laid down in the Financial Regulation and the implementing rules. The key underlying principles is to contract out on the best possible terms for EFSA whilst guaranteeing equal access to public contracts and complying with the principles of transparency and non discrimination.

There may be circumstances, in particular in the context of a crisis, where scientific studies have to be urgently commissioned in support of EFSA's activities and responsibilities. As a derogation to normal procedures and practice, it is possible to appoint a contractor under the negotiated procedure set out in Article 126 of Commission Regulation 2342/2002. The appointment will be decided by the Director and a note to the file will be prepared by the coordinator, setting out and justifying the grounds for derogation, and in particular that the event was unforeseeable, was not attributable to EFSA, could jeopardize the Communities or EFSA's interests and that the contract could only be awarded to one economic operator. See Annex 1.

25. Funding translations and other communication tools: Translations should go through the Centre de Traduction, the EU agency based in Luxembourg. Special arrangements exist with the Centre de Traduction for fast translations. If, in the context of a crisis, there are translations we cannot handle in-house we are entitled to make alternative arrangements if the Centre de Traduction cannot meet our requirements (time and quality-wise) and/or at a non competitive cost. A contact details manual is included in Annex 2.

Additional communications support such as media monitoring or additional telephone support (eg free phone service in the event of escalation of phone calls to EFSA) could also be funded through the Article 126 procedure, if it were extremely urgent that it

should start immediately. However all recourse to Article 126 should be exceptional and always documented. See point 20, above.

26. The Coordinator of the Crisis Team will keep documents of the actions financed and request additional funds if necessary, during or after the crisis.

**Emergency meetings**

27. Head of Team in conjunction with the Crisis Team will decide when to call meetings between the scientific panels, the scientific committee or special task forces. The scientific coordinators will assist him as necessary.

28. Head of Team will decide in conjunction with the Crisis Team when to convene emergency meetings for the Member States. Other EFSA staff assist him as necessary. All invitations to meetings will first be cleared with Christine Majewski or Ingela Söderlund before transmission.

29. Head of Team will decide in conjunction with the Crisis Team when to convene emergency meetings for the Member States. Other EFSA staff assist him as necessary.

For financial arrangements, see points 23 – 25 above.

## **Annex 1**

### **Fast-track scientific advice procedure**

Regulation 2342/2002 enables EFSA to use the derogation in Article 126 1c “for reasons of extreme urgency brought about by unforeseeable events not attributable to the contracting authorities and likely to jeopardise the Communities' interests”:

Article 126

#### **Use of a negotiated procedure without prior publication of a contract notice** (Article 91 of the Financial Regulation)

1. Contracting authorities may use the negotiated procedure without prior publication of a contract notice in the following cases:

- (a) where no tenders or no suitable tenders have been submitted in response to an open procedure or restricted procedure after the initial procedure has been completed, provided that the original terms of the contract as specified in the documents relating to the invitation to tender referred to in Article 130 are not substantially altered;
- (b) where, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the contract can be awarded only to a particular economic operator;
- (c) in so far as is strictly necessary where, for reasons of extreme urgency brought about by unforeseeable events not attributable to the contracting authorities and likely to jeopardise the Communities' interests, it is impossible to comply with the time-limits set for the other procedures and laid down in Articles 140, 141 and 142;
- (d) where a service contract follows a contest and must, under the rules applying, be awarded to the successful candidate or to one of the successful candidates; in the latter case, all successful candidates shall be invited to participate in the negotiations;
- (e) for additional services and works not included in the project initially considered nor in the contract first concluded but which, through unforeseen circumstances independent of the contracting authority, have become necessary for the performance of the services or works, subject to the conditions set out in paragraph 2;
- (f) for additional contracts consisting in the repetition of similar services or works entrusted to the contractor awarded an earlier contract by the same contracting authorities, provided that the subject of the contract conforms to a basic project and that the first contract was awarded under the open or restricted procedure;
- (g) for supply contracts:
- (i) in the case of additional deliveries which are intended either as a partial replacement of normal supplies or installations or as the extension of existing supplies or installations, where a change of supplier would oblige the contracting authority to acquire equipment having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance; the length of such contracts may not exceed three years;

(ii) where the products are manufactured purely for the purpose of research, experiment,

study or development, with the exception of commercial viability tests and large-scale production aimed at recovering research and development costs;  
(h) for building contracts, after prospecting the local market;  
(i) for contracts with a value below the threshold laid down in Article 129(2).

## **Annex 2**

### **Translation Contacts**

In EFSA: Thi Le Xuan Nguyen

### **Contacts with the Centre de Traduction in Luxembourg**

Marie-Anne Fernandez, Telephone: 00352 42 17 11 202  
e-mail: [planning@cdt.eu.int](mailto:planning@cdt.eu.int)

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#### <sup>i</sup> Article 56

1. Without prejudice to its role of ensuring the application of Community law, where the Commission identifies a situation involving a serious direct or indirect risk to human health deriving from food and feed, and the risk cannot be prevented, eliminated or reduced by existing provisions or cannot adequately be managed solely by way of the application of Articles 53 and 54, it shall immediately notify the Member States and the Authority.
2. The Commission shall set up a crisis unit immediately, in which the Authority shall participate, and provide scientific and technical assistance if necessary.

#### <sup>ii</sup> Article 57

1. The crisis unit shall be responsible for collecting and evaluating all relevant information and identifying the options available to prevent, eliminate or reduce to an acceptable level the risk to human health as effectively and rapidly as possible.
2. The crisis unit may request the assistance of any public or private person whose expertise it deems necessary to manage the crisis effectively.
3. The crisis unit shall keep the public informed of the risks involved and the measures taken.

**(Not attached)**

## **Annex 3**

**List of contacts in case of a crisis in the national authorities including out of hours numbers**

## **Annex 4**

**List of staff contact details in case of a crisis in EFSA including out of hours numbers)**