

Declaration of Intent of the EFSA Advisory Forum

Principles governing the impartiality of risk assessment¹ in the areas of food, feed, plant health and animal health & welfare

The EFSA Advisory Forum,

Having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 41 thereof,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, and in particular Articles 22(7), 27(4), 37(1) thereof,

Having regard to the EFSA Strategy 2020 adopted by its Management Board on 16 March 2016,

Having regard to the EFSA Policy on independence adopted by its Management Board on 21 June 2017,

Having regard to the Declaration of Commitment of the Members of the EFSA's Advisory Forum signed in Bratislava on 28 September 2016,

Whereas:

- (1) *"It is necessary to ensure that consumers, other stakeholders and trading partners have confidence in the decision-making processes underpinning food law, its scientific basis and the structures and independence of the institutions protecting health and other interests"*²,
- (2) While maintaining its independence, it is vital for EFSA to cooperate with the Member States in order to ensure high scientific quality and efficiency,
- (3) *"Risk assessment shall be based on the available scientific evidence and undertaken in an independent, objective and transparent manner"*³,

Have reached the following understanding:

I. Purpose of the Declaration of Intent

The Members of the EFSA Advisory Forum (hereinafter referred to collectively as "AF Members") acknowledge that risk assessment on matters falling under EFSA's fields of competence, whether carried out at EU or national level, will apply standards ensuring the impartiality of the adopted scientific outputs. With this Declaration, the AF Members take note of the overarching principles supporting the impartiality of food risk assessment⁴

¹ 'Risk assessment' means a scientifically based process consisting of four steps: hazard identification, hazard characterisation, exposure assessment and risk characterisation - Art. 3(11) of Regulation (EC) No 178/2002

² Recital 9 of Regulation (EC) No 178/2002

³ Article 6(2) of Regulation (EC) No 178/2002

⁴ For the purpose of this Declaration, with the aim to avoid redundancies in the text, 'food risk assessment' shall be intended as described in the sub-title, i.e. including risk assessment in the areas of food, feed, plant health, animal health and animal welfare.



systems. As well, the AF Members engage in a common effort aimed at ensuring that their respective scientific evaluation systems comply with the principles below.

II. Impartiality of the scientific risk assessment process: Overarching principles

- a. Independence. This principle is enshrined in the actions and behaviour of scientific experts and operators engaged in the performance of food risk assessment, in the governance of the systems within which they operate, as well as in the methods they use for analysing data. The AF Members acknowledge that individuals are independent when they act in absence of undue influence of conflicts, hence building their judgement on relevant knowledge, expertise and experience while making use of data and applying methods respecting widely accepted standards. *Inter alia*, this comprises the absence of instructions deriving from State authorities and experts' employing organisations. Independence is pursued through measures aimed to identify and address the potential impact of biases, undue influences and conflicts of interest.
- b. Transparency. This principle refers to an environment in which the objectives of the regulatory action, the applicable legal framework, data and information, procedural methods and methodologies applied are accessible to the public. The application of this principle is without prejudice to the respect of legal frameworks regulating data protection – in particular personal data –, confidential business information and intellectual property rights.
- c. Accountability. This principle refers to the duty of responsible organisations or bodies to ensure that their scientific risk assessments are respectful of the regulatory regime for which they are undertaken and ensure an impartial and sound scientific approach while delivering the outputs they are mandated to develop. This is done in each legal system in accordance with the respective features of their constitutions.
- d. Compliance. This principle refers to a shared responsibility between all actors engaged in the scientific risk assessment process. Regulatory frameworks pursuing the impartiality of scientific outputs are implemented by legal duties of civil servants and employees to indicate conflicts of interest and to declare secondary employments, or by duties to declare any current or past interest which may lead to a conflict of interest, or by deploying suitable monitoring procedures (e.g. declarations of interests subject to screening) coupled with proportionate, effective and dissuasive sanctions for actions or omissions in breach of those frameworks.

III. Adherence to the impartiality principles

In view of the increasing interconnections between the risk assessment processes carried out at EU and Member States' level, by noting the principles described in paragraph II of this Declaration, the AF Members acknowledge each other's commitment to promote the implementation of measures aimed at pursuing the impartiality of their respective food risk assessment systems. This is without prejudice to the prerogative of each Party to apply its own impartiality framework when engaging with experts from the other Party. This is also without prejudice to applicable national rules and legislation regarding independence and transparency of the scientific opinions delivered in the field of public health, food chain safety and the environment and regarding public access to data and documents.



IV. Cooperation in the area of independence

Underlining the value of cooperation in all areas of risk assessment, within the framework of the Advisory Forum, the AF Members propose to establish a Task Force on independence aimed at facilitating the exchange of information and best practices among the Parties of this Declaration.

V. Amendments and review

This Declaration can only be amended in writing by mutual consent of the AF Members. This Declaration will be reviewed after two years from its endorsement and every two years thereafter.

Endorsed by the EFSA Advisory Forum in Reykjavik on XX July 2019