

Comments received during the public consultation on the draft Policy on independence

The chapter and line numbers refer to the version published for consultation: <https://www.efsa.europa.eu/sites/default/files/consultation/170324.pdf>

No	Contributor	Chapter	Comment received
1.	BfR	1	Line 38: We are wondering why such a specific regulation as Regulation (EC) No 1924/2006 is cited as an example for independence related questions. We would suggest deleting this quotation.
2.	BfR	1	Line 49: "undue external influence" should be clarified, especially considering that the EFSA strategy to which footnote 7 refers does not include a definition either.
3.	BfR	1	Footnote 7: The abbreviation used may not be known to all readers of this document.
4.	EuropaBio	1	Lines 9-11: We fully support the need for full impartiality. This can however best be managed by proper controls in the work carried out and not in a policy of excluding a large sub-set of experts who could provide helpful input to support high quality scientific decisions.
5.	EuropaBio	1	Lines 18-19: While the Authority was established with a strong focus on independence, its main task is to provide the best possible scientific opinions in line with Articles 22 and 23 of Regulation (EC) 178/2002 laying down the general principles and requirements of food law, establishing EFSA and laying down procedures in matters of food safety. It is crucial to adopt a balanced attitude in order to have access to the best scientific expertise.
6.	CEO	1	<p>This section, and the title of the Consultation, seem to narrow the definition of "independence" to the notion of "impartiality". This is not incorrect: EFSA's draft points to the existing EU legal framework which refers to the duty of all EU administrations to act in an impartial manner. But it is insufficient: EFSA is not any EU administration but a very specific one, in charge of providing scientific assessments to the other EU institutions about the toxicity of food products put on the EU market.</p> <p>The EFSA's Founding Regulation 178/2002 stipulates, in the way it defines "Independence", that "The members of the Scientific Committee and the Scientific Panels shall undertake to act independently of any external influence". This is repeated in the EFSA 2020 Strategy document quoted in the draft:, where EFSA' commits to achieve "the independence of its experts, methods and data from any undue external influence".</p> <p>This is of course well meaning, but in practice is too optimistic. Such absolute independence from the outside world simply is not possible. EFSA's draft policy should make clearer, already in this section, what independence in the context of EFSA's remit means.</p> <p>EFSA's draft correctly acknowledges that "independence is a multi-faceted concept, covering, inter alia, aspects such as legal independence, financial independence, regulatory autonomy, personal independence and perception thereof".</p> <p>But things are not so complicated either. EFSA's Founding Regulation stipulates that EFSA's remit is not only to be absolutely independent from any external influence but to "contribute to a high level of protection of human life and health, and in this respect take account of animal health and welfare, plant health and the environment, in the context of the operation of the internal market."</p> <p>Therefore, EFSA's independence policy should make sure that EFSA is firstly independent from the main threats to its mission.</p>

			<p>EFSA's draft policy correctly acknowledges later in the draft (lines 180-183) that "EFSA identifies cash flows from entities with an interest in EFSA's activities to be a main driver for potential lack of impartiality and for CoIs".</p> <p>The overwhelming majority of EFSA's workload currently consists in evaluating the safety of regulated products before their possible authorisation on the EU market. Companies whose products are evaluated by EFSA have by far the largest interest in EFSA's activities, which means that EFSA's independence should be defined, firstly even if not exclusively, as its independence from the companies whose products it is evaluating.</p> <p>This was rightly and repeatedly pointed by the European Parliament for the past four years.</p>
7.	Greenpeace	1	<p>We welcome EFSA's commitment to achieve "the independence of its experts, methods and data from any undue external influence". We also believe it is right that independence is needed "from the EU institutions, Member States governments and stakeholders in the public or private sector".</p> <p>However, it is worth highlighting in particular the need to safeguard EFSA's independence from the industries it helps to regulate. This is likely to be the greatest source of "undue influence" given the industry's direct economic interest in favourable evaluations from EFSA.</p> <p>Exposure to undue influence from industry: The work of EFSA is key to EU decisions on food-related matters, including the use of pesticides, food additives, food ingredients, GMOs etc. The European Commission (EC) regularly follows EFSA's opinions in its decisions, and EU member states usually follow the EC. If EFSA determines that a product or process – such as using lactic acid to rinse beef carcasses – is safe then it will be approved for the whole of the EU market. The agri-food industry is well aware of EFSA's important role. It has developed various ways of influencing the EFSA staff and panel members who deal with matters that are important to them. This includes regular interaction with industry scientists through industry-funded groups, such as the International Life Sciences Institute (ILSI), the International Society for Biosafety Research (ISBR) or the European Centre for Ecotoxicology and Toxicology of Chemicals (ECETOC). It also includes economic relationships through research grants, consultancy contracts etc. There are also examples of revolving doors, i.e. experts passing from industry to EFSA and back without any cooling-off period.</p>
8.	FEDIOL	1	<p>FEDIOL welcomes the opportunity of providing comments to the EFSA draft policy on independence.</p> <p>Enabling stakeholders to provide their views on one of EFSA core policy is crucial to ensure broad acceptance and engagement across sectors.</p> <p>We support EFSA goal to achieve independence and impartial opinions. To achieve this, focus should not only be set on experts and their background, but particularly on the outcome of their work. In that sense, we trust that an opinion should reflect the best available science. In this context, we particularly support EFSA statement that "It is widely acknowledged that having interests does not necessarily mean there is a CoI. On the contrary, it is precisely interests, experiences and activities held that qualify an individual as an expert in a certain matter". (page 4).</p> <p>With the new policy proposed, we have some concerns that several of those real experts as defined above would not be able to engage in EFSA work. This is particularly true for the criteria defined for working groups. We trust that working groups output – which are preparing work for discussion after in panels and committee – should be based on broad collegial discussions – with different views and expertise across the table.</p> <p>Hence, in the same way as a derogation is prescribed for scientific advisory activities the individual provided in the past as member of a</p>

			<p>collegial body (e.g. scientific group, committee, task force or working group) in page 8, the same derogation should also apply to working groups.</p> <p>By providing the best science – with the best experts with various different background – EFSA will also further increase trust not only at EU but also internationally. EFSA future policy on independence is therefore a critical element of EFSA work, which should contribute to this goal by setting the right boundaries in an impartial way.</p>
9.	Zwietering Marcel (Wageningen University)	1	<p>Line 24: Independence is covering personal independence and perception thereof: The fact that “perception of independence” is part of the description of various facets of the “independence” concept seems to me strange. The fact that perception of independence being compromised is important to consider is clear. Also, I believe that the term “perception” needs to be qualified and can’t be left unconstrained. There is so much “perception” of bias, dependence, mistrust, fake stories, unbalanced opinions. This in itself does not influence the independence of EFSA or the experts contributing to EFSA’s work. In my opinion “perception” should not influence too much the process, since perception is often based on feelings, opinions, indications. By letting perception weigh too much, a conclusion is less based on facts.</p> <p>In the definition in line 105 this is better, with the addition of “reasonably perceived”. It is good that that facet is there included, but not yet here in the “definition” stage.</p>
10.	EuropaBio	2	<p>Lines 62-66: We support a policy ensuring that the professional contribute in an impartial manner. The controls should focus on the work carried out and not only on the individual.</p>
11.	CEO	2	<p>As stated in the previous section (“Independence at EFSA – What are we discussing?”), the aim of EFSA’s Independence policy should not only be that EFSA’s actors are impartial but that EFSA is specifically made independent from interests that threaten EFSA’s remit to “contribute to a high level of protection of human life and health, and in this respect take account of animal health and welfare, plant health and the environment, in the context of the operation of the internal market.”</p> <p>There is a probable mistake in line 80, which should read “the independence assured” rather than “the transparency assured”.</p>
12.	Greenpeace	2	<p>The term “persons participating in EFSA’s operations” suggests a wide scope including conflicts of interest of EFSA staff. However, the policy appears to be limited to ensuring the impartiality of experts appointed to EFSA panels and working groups, as well as members of the Management Board, not EFSA staff members (except lines 215 to 226).</p>
13.	Greenpeace	2	<p>The term “impartiality” also suggests a scope that goes beyond the specific aim of the policy, which is to avoid conflicts of interests related to industry, practitioners etc affected by EFSA decisions. The policy does not aim to achieve experts’ independence from the European Commission or Member States.</p>
14.	Greenpeace	2	<p>Credibility issue: Despite its new tagline, “trusted science for safe food”, EFSA has a credibility issue. Even Commission President Juncker has expressed doubt about EFSA’s scientific advice in a recent debate over comitology procedures triggered by the lack of agreement on glyphosate. He “felt that it was important for the Commission not to rely on a single source of scientific expertise, but rather to draw on a broader range of expertise to strengthen the scientific basis for its proposals,” according to the minutes of a meeting held in February. At the same meeting, Health Commissioner Andriukaitis called for a strengthening of the scientific basis for EU decisions, and for a “reform of the EU agencies responsible for providing the scientific basis for these decisions and of their procedures, to make them more transparent”. In order to enhance confidence in its work, EFSA should do all it can to prevent any conflicts of interest with industry. It should also increase data transparency, i.e. base all its work on published evidence only.</p>
15.	BfR	3	<p>Line 139/140: We appreciate that potential conflicts of interests (CoI) are clearly defined in EFSA’s draft policy paper on independence. The affiliation to a risk assessment body is listed under reasons for a potential COI.</p>

			<p>Recital 51 of the Founding Regulation indicates that “the establishment of the Authority should enable Member States to become more closely involved in scientific procedures. There should therefore be close cooperation between the Authority and the Member States for this purpose”. In Article 22 (7) it is emphasised that the Authority “shall act in close cooperation with the competent bodies in the Member States carrying out similar tasks to these of the Authority”.</p> <p>In some Member States of the European Union risk assessment is legally separated from management similar to the European level and in legal regulations it is laid down that the risk assessment institutions have to act independently. Scientific risk assessment institutions have to work according to rules of good scientific practice, which is essential in all scientific work which seeks to increase the knowledge on food and feed safety risks.</p> <p>Consequently it should be stated in the draft policy paper on independence that it would make sense to further involve scientists of risk assessment bodies in the Member States as assessment partners and to build up on the know-how gained in their own research studies and assessments.</p> <p>This would lead to the avoidance of duplication of work at national and European level and to apply the limited resources as efficiently as possible as well as to relieve EFSA’s scientific panels of their increasing workload.</p> <p>In our opinion it would make sense to specify and define detailed criteria for experts dealing with authorisation or risk assessment procedures at the national level. Scientist’s experience in a national risk assessment body is a proof of competence. Recusing experts of national risk assessment bodies would impede the mutual assistance in the field of food safety, which is ultimately demanded in Regulation (EC) No 178/2002, Article 22 (7).</p>
16.	BfR	3	Line 145: The word “publicly” should be added if the declarations of interest are aimed to continue to be published on the Internet.
17.	BfR	3	Lines 156/157: In the passage “...and interests not captured by the above...” it may not be completely clear, how the boundaries are defined.
18.	SAFOSO	3	<p>As in any aspect of risk management, taking an approach tailored to the specific risk is generally more efficient and therefore more welcome than a blanket approach.</p> <p>In lines 192 ff, it is made clear that interests can also be relevant for contractors. However, the text seems to imply that the “same requirements” will be applied to tenderers as for panel and committee members.</p> <p>As no details are known about practical implementation of CoI checks, we would like to emphasise that the situation of tenderers is not directly comparable with individuals who may have interests due to permanent employment. For example, a tenderer may have a short and very specific contract, i.e. affiliation, with a company or government in a separate field. These two interests are in our view of a different significance.</p>
19.	Coldiretti	3	<p>Due to the business model of present food supply chains, even thematic areas not strictly related by a scientific perspective to the field under CoI could have implications and engender CoI or at least, perception of loss of independence.</p> <p>For instance, financial supports by additive industry for panelist under the NDA could be better under scrutiny, due to the promiscuous and blurred boundaries in between different field of competence and businesses.</p>
20.	Coldiretti	3	<p>Also, the definition of field of expertise should be considered case by case, since Efsa’s panel organizational setting does not necessarily mirror the fast developing industrial sector-emerging products and trends.</p> <p>In our opinion, the link between knowledge sector and business/commercial models should be always assessed together in order to gain a proper insight on possible sources of CoI.</p>

21.	buglife	3	<p>Similarly I can't see that the draft policy addresses concerns that might arise from employees of an institute or agency that is itself substantively funded by industry. Surely if there is a department of 50 people who work on industry funded work, except for one of them who becomes an EFSA expert, this is also a situation of concern. In addition some agencies may be funded by licence or application fees charged to industry and hence would also not be impartial.</p> <p>Could the declaration of CoI include information about the amount of funding received by the employing body from regulated industries in each of the last five years?</p>
22.	EuropaBio	3.	<p>Lines 91-96: We support this statement but are of the opinion that the proposed policy will exclude many of the relevant experts that have the "...interests, experiences and activities [...] that qualify an individual as an expert in a certain matter".</p> <p>Lines 143-146: This needs to be implemented in a realistic manner, and should focus to exclude those that have a very clear and direct benefit from the work being carried out.</p> <p>Lines 195-200: While requirements should apply, the focus of tenderers should be on the quality of the science, which requires better control of the final output.</p>
23.	Aecosan	3	<p>Lines 129-131: not clear what it is included in creations of the mind, and even more how it will be measure.</p> <p>154-155: clarify "sworn statements"</p>
24.	Aecosan	3	<p>Line 125: "Reimbursement of expenses"; it is not clear if an expert has being invited to a seminar or congress, and only cover the incurred cost why this should be a conflict, should be clarified.</p>
25.	CEO	3	<p>Line 100: suggestion of addition: "...contributing to EFSA's mission and differentiate them from interests that do create a risk for EFSA's independence."</p> <p>Lines 102-109 (and related text box): comments on EFSA's proposed definition of a conflict of interest.</p> <p>EFSA's proposed new definition of CoI contains important elements which we support and others which undermine its effectiveness.</p> <ul style="list-style-type: none"> - EFSA's identification of COIs being situations and not cases of individual bias or dishonesty is very important and must be kept: at the end of the day, cases of CoIs among its external experts indicate errors of recruitment by EFSA, and are not a judgement passed over these persons' integrity. - "be reasonably perceived" (line 105): this is a delicate issue and we think EFSA dealt with it well here. Perceptions of conflict of interest do matter, therefore it is important that COI perception is included in the definition. At the same time, the assessment of a COI must be based on tangible evidence, otherwise this risks undermining EFSA experts' capacity to defend themselves against unfair accusations of COI and endangering their political rights (accusations of COI made simply because they would have expressed an opinion or defended a position simply disliked by the accuser). We think that the addition of "reasonably" here should help EFSA defend itself against baseless accusations. - "in relation to the subject of the work performed" (lines 108-109): we request that this section is deleted as it unduly narrows the scope of the assessment. The consequence of doing so would fail to take into account the transversal way lobbying works, in particular as far as "horizontal" issues such as experimental guidelines and risk assessment methodologies are concerned. This old loophole must be closed for EFSA's independence policy to become meaningful.

			<p>As a consequence, the new definition for a COI at EFSA should become: “any situation where an individual has an interest that may compromise or be reasonably perceived as compromising his or her capacity to act independently in the public interest at EFSA”.</p> <p>Line 114: The expression “potential CoI” is not helpful and should be avoided throughout the text: as EFSA’s proposed definition recognises, a CoI is a specific situation. Therefore, either there is a situation of CoI, or there isn’t; but “potential COI” does not really make sense. (See a very helpful critique on this, “Why There Are No “Potential” Conflicts of Interest”, in a newly published JAMA special issue on COIs http://jamanetwork.com/journals/jama/fullarticle/2623620)</p>
26.	CEO	3	<p>Lines 129-131: we are concerned that “creations of the mind” are listed as a “main pattern of COI”, on par with “economic or financial” interests and “affiliations”. This risks being used to restrict experts’ rights to be on a panel simply because they would have a stated position on any topic vaguely related to the issue being discussed, and undermine the quality of the scientific discussions within the agency.</p> <p>The existing clause, restricting experts from reviewing their own work, should be kept as it is, and, unlike financial interests conflicting with EFSA’s remit which should not be allowed at all among EFSA staff and appointed experts, we demand that the risk of bias created by non-financial interests is dealt through collegiality, by securing a diversity of views in panels.</p> <p>(The distinction between the two is well argued by Pr. Lisa Bero in her recent contribution to the above-mentioned special issue of JAMA, “Addressing Bias and Conflict of Interest Among Biomedical Researchers”, http://jamanetwork.com/journals/jama/fullarticle/2623632)</p> <p>Lines 143-157: we support the current obligations of declarations listed.</p>
27.	CEO	3	<p>Lines 159-165: Attempting to perpetuate the main loophole in EFSA’s existing independence policy, as does this section, will only perpetuate EFSA’s exposure to CoI scandals. Interests must be assessed in the light of EFSA’s mission to protect human health and its duty to be independent from companies whose products it is evaluating.</p> <p>Lines 165-170: The principle of scientific excellence implies, among other things, that EFSA’s opinions are independent from regulated companies in order to not be discredited by conflicts of interests. The availability of expertise is an important issue but cannot legitimate the undermining of EFSA’s independence policy. As we repeatedly pointed out, EFSA can use the hearing expert system to access any expertise it desires without undermining its independence.</p> <p>Lines 180-183: It is very good that the document acknowledges this, but it would benefit from this being mentioned much earlier (see comments in section 1).</p>
28.	CEO	3	<p>Line 185: Declaring the proportion of annual earnings is not sufficient; the amounts must be declared, if need be in brackets as is the case in the EU’s Lobbying Transparency Register.</p>
29.	CEO	3	<p>Lines 212-214: EFSA’s independence policy should also apply to its Management Board. Currently, the Board is excluded. At the very least, the “preventive measures” mentioned should be detailed, and rules defined for their application.</p>
30.	Greenpeace	3	<p>Recurrent conflicts of interest: Conflicts of interest arise when people working for EFSA, which is meant to pursue the public interest of consumer and environmental protection, hold competing interests that could compromise their ability to fulfil their duties in line with EFSA’s</p>

			<p>mission.</p> <p>Conflicts of interest have been identified across EFSA staff, EFSA panel members and members of EFSA's Management Board. In two cases, the European Ombudsman identified instances of maladministration by EFSA linked to alleged cases of conflicts of interest. ii, viii</p> <p>The definition of CoI (lines 102 to 109) should not be limited to "the subject of the work performed at EFSA". The agricultural and food industries are highly integrated and it is difficult to clearly separate different interest areas. Similarly, the subject areas of EFSA's panels aren't as clearly delineated as this line suggests. Conflicts of interest should be assessed against the overall mandate of EFSA, not the mandate of the relevant EFSA panel or working group.</p> <p>The draft attempts to explain why conflicts of interests should be assessed against "the subject of the work performed at EFSA" (lines 159 to 170). However, we have not seen any evidence so far that a stricter policy would indeed "hinder the availability of expertise needed to accomplish EFSA's duties".</p> <p>It is worth noting that EFSA's draft policy applies a wider definition when it comes to investments in, and employment for, business actors impacted by EFSA operations (Section 3.1). EFSA should apply the wider definition to all interests covered by the policy.</p> <p>"Risk-based approach": EFSA allows experts with industry-related interests to sit on its panels as long as these interests do not fall within the specific remit of the panel. EFSA calls this its "risk-based approach".</p> <p>Recommendation: Conflicts of interest should be assessed against the mandate of EFSA, not that of its specific panels and working groups.</p>
31.	Greenpeace	2	<p>We agree with the description of the "main patterns of CoI" (lines 117 to 142). With regard to "affiliations or other involvements" EFSA should make a difference between research organisations funded mostly by public sources vs those funded mostly by industry (s. comments on Section 3.3).</p> <p>We also agree that concerned actors should declare their interests during a timeframe covering the five years preceding the declaration (lines 143 to 157). However, this only makes sense if EFSA is to effectively assess the interests held during these years against its criteria, i.e. if EFSA requires a cooling off period for these interests (s. comments on Section 3.2).</p> <p>We also agree that cash flows are an important driver for conflicts of interest and should be declared (lines 180 to 183). However, cash flows should not only be assessed in relation to the annual income of the expert or his team. The funding sources of his or her organisation are also important. An expert cannot be expected to be impartial when his or her organisation depends on the industry for a significant part of its funding (s. comments on Section 3.4).</p>
32.	Greenpeace	3	<p>EFSA allows experts to adhere to and even take up decision-making roles in industry-funded organisations.</p> <p>Recommendation: EFSA experts should not engage with industry-funded organisations in any regular and structured way. EFSA should set up clear criteria to identify "organisations representing interests of the food chain, other than public interests", such as ILSI.</p> <p>It should publish the assessments of the organisations its experts are involved in, in order to identify whether they belong to this category. (s. Annex)</p>
33.	SAFE - Safe	3	<p>EFSA's independence policy, as described in the draft policy and with the due reviews, should also cover EFSA's Board members.</p>

	Food Advocacy Europe		
34.	SAFE - Safe Food Advocacy Europe	3	line 102-109: A CoI exists whenever the capacity of an individual working at EFSA to act independently is compromised by one of his/her interests. Whether a CoI exists or not, should not depend on the "subject of the work performed at EFSA" as indicated in the section.
35.	SAFE - Safe Food Advocacy Europe	3	line 133-141: Affiliations with organizations funded by the industry (such as ILSI) should also be included in this list. This adjustment would decrease the chances of future attacks on EFSA's independency.
36.	SAFE - Safe Food Advocacy Europe	3	line 159-165: According to what is written from line 159 to 165, CoIs assessment is performed only in relation to "activities that overlap with matters discussed in the relevant EFSA group". Adopting these lines (159-165) as they are, would mean perpetuating one of EFSA's independency policy weakest points. CoIs assessment should not be based solely on the matter discussed within the relevant EFSA group. Individuals working for EFSA should be devoid of CoIs, regardless "the activities that overlap with matters discussed in the the relevant EFSA group" they are part of.
37.	SAFE - Safe Food Advocacy Europe	3	line 165-167: SAFE is very well-aware of the difficulties EFSA has in finding and securing "the availability of expertise". Despite this fact, SAFE believes that rather than a weak definition of CoI, the recruitment of experts promoting and protecting the interest of consumers could be a possible solution to this problem. Expertise from the industry is also necessary, but SAFE believes that experts coming from consumer organizations or NGOs should be more involved in EFSA's activities.
38.	SAFE - Safe Food Advocacy Europe	3	line 213: SAFE encourages EFSA to explain in greater detail what these preventive measures would consist in. The draft text in general fails to mention sanctions in the case of CoI. It is important for stakeholders to know what EFSA's experts (Scientific panels, working groups and Board members) face in case of CoI, in order to assess whether the measures are sufficiently deterring.
39.	Turnes Claude (MEP - The Greens/EFA)	3	Section 3 does not clearly address the issue of conflicts of interests, leaves room for industry to be actively involved in the decision-making process at EFSA and jeopardises, in its current state, the credibility of EFSA to make independent assessments on the possible conflicts of interests of its experts in particular and on public health and European food safety in general.
40.	Testbiotech	3	<p>A risk-based approach to prevent the occurrence of conflicts of interest: Conflicts of interest are a problem for those who need to make expert judgements on behalf of others; thus, their primary interest is the well-being of those who rely upon these judgements. For EFSA and their experts, the protection of health and the environment should be considered to be primary interests. Therefore, EFSA should define COI as follows (adopted from IOM, Institute of Medicine of National Academies, US, 2009):</p> <p>"A conflict of interest is a set of circumstances that creates a risk that professional judgement or actions regarding the primary interest of EFSA can be unduly influenced by a secondary interest"</p> <p>Although this definition is similar to the OECD definition from 2003 it has some advantages: The IOM definition invites the authority to apply a broader framing, which can help to assess the complexity of the underlying problem and to avoid an approach that is too formalistic.</p>
41.	Testbiotech	3	Since the food industry and agrochemical and biotech industry substantially overlap in their interests, the whole range of EFSA activities must

			<p>be taken into account in assessing the DOI, and not only the specific sector in which the expert supposedly works. However, EFSA's approach to identify CoIs as outlined in the draft is too narrow, since it is only related to activities that overlap with matters discussed in the relevant EFSA group(s) where the individual is serving or is expected to serve.</p> <p>While financial interests in many cases are the most relevant entry point, the analysis must be sufficiently broad and not just target the individual person. The analysis also has to encompass relevant organisations pushing for, or driven by commercial interests of regulated industries. This is in line with the Ombudsman's ruling from 2015 asking for disclosure of arrangements between academia and business. This broader analysis of potential COIs should take into account organisations no matter whether advisory, academic, or commercial, that are (partially) paid, organised, or affiliated with regulated industries.</p> <p>Further, it is not only necessary to develop adequate criteria, but also to define a process of how to assess the relevant circumstances case by case. Some cases will require more diligence than others. It should be taken into account that financial gains cannot always be identified. Furthermore, in some cases, there might be attempts to hide relevant interests. Being aware of the landscape as shaped by industry, EFSA should take an approach that is not too naive: If indications for potential COIs emerge, should follow the hypothesis that the specific experts are more likely than not to be influenced by the interests of industry. Under these conditions, it will be necessary to establish absence of COIs and not the evidence for COIs.</p>
42.	Joan Stewart	3	<p>Unfortunately, EFSA's draft continues to allow, under most conditions, experts receiving funding from the food industry (in particular research funding) to be appointed to the agency's scientific panels; panels which are crucial to the safeguarding of the safety and health of the public. We must be protected from toxic new food products (including pesticides, additives, GMOs etc.) being put on the market before they have been thoroughly evaluated. The current draft policy is not sufficient to guarantee our safety, a conclusion supported by the European Parliament.</p> <p>It is important that the public has total trust in the EFSA, which therefore, is a clear independence policy that demonstrates no possible accusation of conflicts of interest.</p> <p>The European Parliament has made demands of EFSA to "incorporate into its new independence policy a two-year cooling-off period for all material interests related to the companies whose products are assessed by the Authority and to any organisation funded by them."</p> <p>Restricting cooling-off periods to managerial, employment and consultancy activities undertaken by experts in the food industry falls short of what the Parliament has repeatedly called for. The Parliament also stressed that the draft independence policy fails to include conflict of interest assessments in relation to research funding</p>
43.	Monika Vana (MEP – The Greens/EFA) Yannick Jadot (MEP – The Greens/EFA) Maria	3	<p>I welcome the fact that EFSA is working on tightening its rules on potential conflict of interests, as was asked repeatedly by the European Parliament. Unfortunately, this draft is still short from achieving these goals.</p> <p>Indeed the draft is ignoring one of the main demands from the European Parliament, which is that the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This should absolutely include the funding (including research funding) of the experts appointed to the agency's scientific panels. These panels play a major role in assessing the toxicity of potentially dangerous substances to be put on the European Union's market by the</p>

	Heubuch (MEP – The Greens/EFA) Pascal Durand (MEP – The Greens/EFA) Robert Bordin CNRS (Franck Perignon) Denis Arias Brigitte Ealet Romain Gaillard (EELV) Frank Lesueur- Bonte (EELV) Robert Aarse (EELV) Franceline Pornon Jocelyne Vieville Sophie Bernillon (EELV) WECF (Veronique Moreira)		<p>industry. There is no denying that huge economic interests are at stake in this matter and that conflicts of interests might arise within these panels.</p> <p>This cooling-off period should be of five years, and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>1 See The European Parliament's report on discharge in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2015</p>
44.	Sarah Reader	3	<p>EFSA's draft continues to allow experts receiving funding from the food industry (in particular research funding) to be appointed to the agency's scientific panels. It is vital that the people making decisions about regulating products are not being paid by the companies the regulation applies to.</p> <p>EFSA must at least follow the EU Parliament's recommendations, that there be at least a two-year cooling off period (ideally five years) which applies to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>It is fundamental that the cooling off period has no exceptions and applies across the board, including research funding. Ensuring independence from the industry it is trying to regulate, and eliminating conflicts of interest is vital.</p>

45.	Clare Stevens	3	Clearly anyone engaged in regulating, monitoring or investigating an industry should not be receiving funding from that industry or have any financial interest in it.
46.	Michael Sadtler	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>Your current draft stays short of protecting consumers sufficiently. Currently, you would allow big food production industry to use their financial means in order to influence EFSA assessment of their products. The result would be even more concentration of the food industry in ever greater companies seeking return on investment, first of all, and, to this end, putting food quality and safety second place or even lower in importance. This is bad for the consumer, and also bad for the ecological interest of having smaller and regional food producing companies.</p>
47.	William R Steele	3	<p>I voted to remain in the Europe Union in the UK referendum last June. However it is very disappointing to note that the European Food Safety Authority is adopting a less than rigorous policy towards the independence of individuals on its review panels. I regarded the EU regulators as paragons of virtue in comparison to the weak government-planted members of regulatory bodies in UK. Now I see that there is no difference and cosyng-up to business vested interests is Europe-wide.</p> <p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p>
48.	Sidsel Hatleskog	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>Now, when democracy as well as basic principles of good food production are in peril, and corporate accountability often is missing, please adjust this important EU institution to acceptable rules for restricting private industry influence on decisions that matters so many. There is no reason to allow the research histories of the boards expert members out of sight for the public and the people!</p>
49.	Ted Pawloff	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be at least five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>Any attempt to reduce the safeguards which many independent organisation as well as the democratically elected representatives of the European People demand is tantamount to an outrageous manipulation of illegitimate power in the interests of large corporations at the</p>

			expense of the electorate and democratic values. The disillusion with the European Union which is fuelling the rise of right-wing extremism everywhere is a frightening danger signal which it would be the most irresponsible folly to ignore. The only way to counter it is to be and to be clearly seen to be transparent, democratically accountable and working in the interests of the population at large.
50.	Arno Behlau	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them". This cooling-off period should be at least five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable. Furthermore all information on research funding, experts and their former positions should be made fully transparent.</p>
51.	Damien Pennetreau	3	<p>I am afraid the current draft will not sufficiently protect the EFSA from conflicts of interest with industry.</p> <p>Indeed, through the 3rd Section entitled "A risk-based approach to prevent the occurrence of conflicts of interest", EFSA's draft continues to allow, under most conditions, experts receiving funding from the food industry (in particular research funding) to be appointed to the agency's scientific panels.</p> <p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them". This is why the cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>This issue does not only concern the EFSA. Many citizens are disappointed with European governance. Behind EFSA's draft, the EU as whole is once again scrutinised by its people. Food safety is dedicated to people not to industry. Do not let the industry interfere and preserve the link between EU governance and its citizens.</p> <p>Both the EU, the industry, and the citizens need a truly independent EFSA!</p>
52.	Mike Watkins	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them". This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable. Please bear in mind that you are serving the PEOPLE of Europe.</p>
53.	Bruno Lowit	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them". This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>I find it extraordinary that a European Agency should try to cut corners and not adopt the usual "cooling-off" period for the safety of its European citizen's. It is the people's health that is at stake here and decisions should be based on absolute certainty and not with any doubt or element of risk left. This can only be achieved by making sure sufficient time is taken in line with other similar research based decision.</p>

54.	Coralie Vos	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them". This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>As many of my fellow EU citizens, I ask for European Institutions and agencies that serves our social and economical rights, our health and our environment. I don't want to read another news report about an EU that serves vested interest of a few companies and individuals. Therefore it's crucial EFSA leads by example and make sure to no longer hiring experts with conflicts of interest.</p>
55.	Sebastian Bucher	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them". This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable. Regulators MUST be independent from any company influences to support and serve citizens' best interest!</p>
56.	Charlotte Trillaud	3	<p>We all know how crucial is the experts' input in the EU policy shaping process, so often very technical. Therefore, in order to provide reliable data on which Commission and Parliament policy makers can base their decision, it is absolutely necessary that these experts be clearly independant from any industrial nor corporate influence.</p> <p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them". This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p>
57.	Armel Prieur	3	<p>Conformément aux demandes répétées du Parlement européen en la matière, la période de réflexion devrait s'appliquer à «tous les intérêts matériels liés aux entreprises dont les produits sont évalués par l'Autorité et à toute organisation financée par eux».</p> <p>Cette période de réflexion devrait être de cinq ans et appliquée uniformément et sans exception. En limitant son champ d'application aux seuls sujets spécifiques discutés par les experts concernés, ou en exemptant le financement de recherches (comme le propose le projet de document de politique d'indépendance) n'est pas acceptable.</p>
58.	Jean-Jacques Manicacci	3	<p>Conformément aux demandes répétées du Parlement européen en la matière, la période de réflexion devrait s'appliquer à «tous les intérêts matériels liés aux entreprises dont les produits sont évalués par l'Autorité et à toute organisation financée par eux».</p> <p>Cette période de réflexion devrait être de cinq ans et appliquée de manière cohérente et sans exception. En limitant son champ d'application aux seuls sujets spécifiques discutés par les experts en jeu, ou en laissant le financement de la recherche, comme le propose le projet de document de politique, n'est pas acceptable.</p>
59.	Roshan Di Puppo	3	<p>Voici mes recommandations sur la gestion des conflits d'intérêts:</p> <ul style="list-style-type: none"> • la période de cooling-off doit être d'au minimum 5 ans • Elle doit suivre les demandes du Parlement Européen et s'appliquer à "all material interests related to the companies whose

			products are assessed by the Authority and to any organisations funded by them”.
60.	Karim Sellami	3	<p>Citoyen Français je suis particulièrement soucieux de l'indépendance de l'EFSA qui a été à maintes fois mise en doute ces dernières années.</p> <p>Pour assurer cette indépendance, je souhaiterais que la séparation entre les périodes d'activité au service de l'industrie agro-alimentaire et des missions d'expertise soit plus nette. Je souhaiterais donc que :</p> <ul style="list-style-type: none"> - la période de latence entre ces deux types d'activité soit portée à 5 ans - que l'appréciation des conflits d'intérêts puisse inclure également le financement des recherches par les industries. <p>Il n'est probablement pas simple de recruter des experts de bon niveau n'ayant pas presté récemment pour l'industrie agro-alimentaire. Cependant, l'UE ne manque pas de talents dans le monde médical, de la recherche publique, des associations spécialisées voire même parmi les jeunes retraités.</p> <p>Merci de mettre tout mettre en oeuvre pour exercer votre mission et défendre les intérêts des citoyens et de nos enfants.</p>
61.	Jill McArdle (Dublin University)	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>With recent revelations that Monsanto contributed to research used by the EFSA, it is crucial that the EFSA preserve its credibility by putting in place robust conflict of interest rules.</p>
62.	Rune Söderman	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>Do not be a USFDA corruption copy!</p>
63.	Susanne Schunk	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>I strongly believe that consumer interests should always come first, before industry interests.</p>
64.	Patrick End	3	<p>Hopefully you have already received many copies of the below message and will you genuinely prioritise the health and wealth-being of European consumers (and their children) when designing your policies.</p> <p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics</p>

			discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.
65.	Sarah Lumai	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>The EU is lacking support from many European citizens for simple reasons. The feeling that the potential for a transparent and just society is being hijacked by big business. It is only by rectifying this, in reality, not just through deceiving the people, that the EU will become popular again, and rightly so. The recent trial of Monsanto just sums it all up.</p>
66.	Pedro de Sousa	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>Europe is in danger; let's prove that the EU will protect european citizens with no regard for other interests. Industry and finance will follow.</p>
67.	John Power	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Two years is far far too short.</p> <p>Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable. And the cooling off period needs to be made a necessary by a broad spectrum of possible connections before someone is engaged by the EFSA to provide advice.</p> <p>Advice to the EFSA must be fully and clearly independent and impartial.</p>
68.	Selina Donnelly	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p> <p>I would appreciate an update on the process as it moves forward.</p>
69.	Eleonore Presler	3	<p>I support the European Parliament's repeated demands that the EFSA should not hire any expert who has received money from any company whose products are evaluated by the agency for the past two years. Nor, importantly, hire any organisation receiving money from such companies.</p> <p>If an expert's presence is important but this person is receiving money from industry, EFSA can always invite them to answer any questions it</p>

			<p>would have, without giving this person the right to write EFSA's assessment.</p> <p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them". This cooling-off period should be five years and applied consistently across the board without any exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is simply not acceptable.</p>
70.	Jennifer Irani	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them". This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable. P.S. Please don't make the same mistakes the U.S. has made. We have so many pesticides and chemicals in our food it is no longer healthy to even eat!</p>
71.	Bernard Meijfroidt	3	<p>The cooling-off period should apply to all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them. This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p>
72.	Individual contributors providing an identical input ¹	3	<p>In line with the European Parliament's repeated requests on the matter, the cooling-off period should apply to "all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them".</p> <p>This cooling-off period should be five years and applied consistently and without exception. Narrowing its scope to only the specific topics discussed by the experts at stake, or leaving research funding out of it, as the draft policy document proposes, is not acceptable.</p>
73.	Bfr	3.1	<p>Lines 245/246: It would be preferable to outline if the zero tolerance is applicable for companies only or also for industry associations or other corporate funded organisations.</p>
74.	wca environment	3.1	<p>This is of course a very sensitive area and, as such, a draconian 'red line' may indeed be justified. However I find it unsatisfactory that absolutely no mention is made concerning financial Conflicts of Interest relating to those scientists in the employment of lobbying organisations such as Greenpeace, ClientEarth etc. who will be equally conflicted financially, albeit in the opposite direction to commercial companies.</p>
75.	SAFOSO	3.1	<p>Lines 253-257: Another aspect of implementation of interest checks is whether privately employed experts will become eligible again for contribution to working groups with mandates that are outside their commercial activities. Until now, our staff was excluded from all scientific contributions to EFSA, regardless of the topic. This should be clarified.</p>
76.	EuropaBio	3.1	<p>Lines 239-244: While the restrictions are severe, we would highlight the need for equal treatment of all experts. Business actors should be</p>

			<p>defined in a way that ensures coverage of those who benefit from the business as well as those with financial benefits from working in opposing a particular business sector.</p> <p>Lines 249-256: The exclusion of individual participation in working groups is a major concern. Working groups should provide the necessary expertise to support the work of Scientific Panels and Committees and with a broad expertise; they would be in a position to ensure that a final position represents the view of all. It is the role of EFSA, the Scientific Panel or the Scientific Committee to review and verify it. Including all working groups within such a policy will exclude many of the leading experts who can contribute to this work.</p>
77.	CEO	3.1	<p>We support the approach outlined in this section. We ask for this approach to be extended to all financial interests in companies whose products are evaluated by EFSA.</p> <p>Crucially, we also ask for this approach to be extended to organisations funded by such companies. The current draft does not exclude the main channel for industry influence: industry-funded organisations such as ILSI, ECETOC, CEFIC's LRI etc. These should be given absolute priority.</p> <p>The exclusion should also apply to large public research organisations who provide research services to industry and obtain a very significant proportion of their resources from such commercial activities, such as Germany's Fraunhofer.</p> <p>It would be therefore important that a separate category is introduced, in line with the European Parliament's requirements: financial links and decision-making responsibilities in "companies whose products are evaluated by EFSA, and organisations funded by them."</p> <p>One additional observation: this currently excludes EFSA's Board. EFSA's founding regulation talks about the need to have "interests representing the food chain"; the unclarity has so far enabled the food industry to manage to have employees appointed on the Board, which is a permanent issue for EFSA's reputation.</p>
78.	Greenpeace	3.1	<p>We agree that experts should not have financial investments in, or be employed by, organisations directly or indirectly impacted by EFSA's operations.</p>
79.	Greenpeace	3.1	<p>Members of EFSA's Management Board</p> <p>In 2010, the Chair of EFSA's Management Board, Diána Bánáti, was found to be a member of the European Board of Directors of the industry-funded International Life Sciences Institute (ILSI).</p> <p>She resigned from her ILSI position in May 2010, just before the European Parliament voted to block EFSA's budget discharge. Bánáti left the EFSA Management Board in May 2012 to become the Executive Director of ILSI Europe, without any cooling off period.</p>
80.	SAFE - Safe Food Advocacy Europe	3.1	<p>line 245-257: This should also apply to EFSA's Board.</p>
81.	RIVM	3.1	<p>Regarding the document we have a few questions for clarification:</p> <p>EFSA COI Line 244; The Authority adopts a zero tolerance approach to these two interests, resulting in a total ban on financial investments in</p>

			<p>or employment by, industries that EFSA helps to regulate.</p> <p>1. What is meant with a total ban, is this 1) individual companies, 2) overarching companies (e.g. ILSI food industry and CEFIC chemical industry), 3) Private Public Partnership projects where industry sets the agenda but the payment comes from ministries.</p> <p>2. Who will be affected by the zero tolerance approach of EFSA. Will this be the experts one by one, or will it be applicable to the whole organization.</p> <p>3. Will EFSA provide a list of regulated chemicals including typical organization that are labeled as working on regulated chemicals? Does this list include novel food industry, agriculture industry producing fruit and vegetables, chemical industry?</p> <p>EFSA COI line 254 Employment with regulated companies is “banned” irrespective of whether or not it concerns the mandate of the relevant EFSA scientific group.</p> <p>4. What happens when an employee changed jobs from companies that EFSA helps to regulate (see line 243) and starts working for EFSA or any other independent organization. Will this fall under a cooling off period?</p>
82.	Bfr	3.2	Lines 278: “EFSA’s sphere” may need to be defined more clearly.
83.	Coldiretti	3.2	<p>Lines 288-292: Coldiretti asks to better clarify the reasons for exclusions from cooling off periods in case of scientific advisory activities provided by individuals as members of collegial bodies or similar. In particular, Coldiretti is aware that frequently scientific advisory is a modern form of lobbying and due consideration should be taken.</p> <p>The participation to collective bodies – regardless their assumed scientific role – should not lower the level of scrutiny on CoI, while not constituting per se a reason for exclusion from Efsa’s activities.</p> <p>More relevant in our opinion, is if such activities were orientated to business or instead, to other scopes. For this, activities undertaken under cooperation in the ultimate interest of Efsa (i.e stakeholders working groups) should not as such prevent from further Efsa engagement, provided there is no other interest than cooperation on RA.</p>
84.	EuropaBio	3.2	<p>Lines 288-292: We fully support that this does not apply to those who participated in a collegial body, as the opinion expressed was shared with other experts.</p> <p>It would be equally logical to consider that Working groups are collegial bodies – and a broad range of interests can be represented while ensuring a final output that is independent from the interests of one member of that Working Group.</p>
85.	BEUC	3.2	When assessing competing interests, EFSA should be aware of the experts' longer-term career interests because interests do not necessarily stop after a 2-year cooling off period.
86.	CEO	3.2	We entirely support in principle the Parliament’s demand, made again in its budget discharge this year, to “incorporate into its new independence policy a two-year cooling-off period for all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them”

			We urge EFSA to make this clear policy principle the cornerstone of its independence policy, with a cooling-off period of five years. And we urge the Authority to remove the exceptions to this principle it has introduced in this draft.
87.	CEO	3.2	Line 269: the word "perception" should be replaced by "risk".
88.	CEO	3.2	<p>Lines 263-282: The first paragraph (263-273) correctly describes professional involvement with the food industry, whose regulation is EFSA's core business, as a source of risk of regulatory capture which needs to be tackled with a cooling-off period.</p> <p>But the second paragraph (275-282) bizarrely broadens the scope of the interests to which the cooling-off period should be applied by extending it to "private" interests "in EFSA's sphere", which means, as footnote 13 tells us, that these interests can be "of a commercial nature or an association of activists pursuing a common interest or objective."</p> <p>This conflation of financial and nonfinancial interests is not consistent with the description of the problem which EFSA aims to solve with its policy (risk of regulatory capture). As argued above and in EFSA's own previous paragraph, the cooling-off period should be applied to financial interests in regulated companies and organisations funded by them. The risk of bias created by non-financial interests, on the other hand, should be tackled with maximising the diversity of views in the panels and working groups (again, see Bero L., "Addressing Bias and Conflict of Interest Among Biomedical Researchers", JAMA 2017 http://jamanetwork.com/journals/jama/fullarticle/2623632).</p>
89.	CEO	3.2	<p>Line 281: We demand that the cooling-off period is of five years.</p> <p>Lines 285-286: We support the inclusion of occasional consultancy contracts in the scope of the cooling-off period, as it is the main improvement in the draft compared to the existing independence policy.</p> <p>Line 286: The non-listing/exclusion of research funding is self-defeating, since research funding is by far the largest source of financial conflicts of interests among EFSA's experts (about 40% in our 2013 assessment). Research funding should be included in the cooling off period, as the European Parliament specifically requested in its 2015 Budget Discharge resolution: "regrets that the Authority has not included research funding in the list of interests to be covered by the two-year cooling-off period, as the discharge authority already identified in the latest discharge decisions; calls on the Authority to swiftly implement the measure in line with the discharge authority's repeated requests."</p> <p>Lines 286-288: Again, keeping the scope of interests' assessment only to the panel's mandate will only perpetuate EFSA's exposure to COI scandals.</p> <p>Lines 288-292: This is too loosely defined and reads as an attempt to perpetuate the loophole introduced in the June 2016 draft, which had been strongly criticised by EFSA's Board (and by us) for this reason. Most scientific advisory activities are collegial, including in industry-funded organisations. As it is worded, the exclusion of "scientific advisory activities" would exclude industry lobby groups such as ILSI from the scope of the assessment, which is unacceptable. Again, the cooling-off period should be applied across the board the way the European</p>

			Parliament has been requesting it: “for all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them”.
90.	Greenpeace	3.2	<p>Cooling-off period: EFSA allows experts to sit on its panels provided that their industry-related interests end the day before they join EFSA. A cooling off period is proposed for certain interests only. This is striking given that the European Parliament called for a two year cooling off period related to all material interests in 2014^{xviii}, 2015^{xix}, 2016^{xx} and 2017^{xxi}. Recommendation: A five year cooling off period should apply to all interests that conflict with those of EFSA held during the five years preceding the declaration, including also research funding and decision-making roles in industry-funded organisations.</p> <p>The cooling off period should apply to all interests held during the five years preceding the declaration, including also research funding and decision-making roles in industry-funded organisations (s. comments on Section 3.3).</p> <p>As outlined above, conflicts of interest should not be assessed against “matters falling under the mandate of the relevant EFSA scientific group” but against “matters falling under the mandate of EFSA”.</p>
91.	Zwietering Marcel (Wageningen University)	3.2	<p>Line 282-285: The document describes independence of its experts, from any undue external influence. Independence should consistently be considered for both private and public actors/experts, i.e. industry, governments, NGO’s, etc. This is mentioned in 136-141 but later in the document the focus is much more on food industry only. For example, in lines 278-279 any entity pursuing private of commercial interests: Here already governmental people and NGO’s are more or less excluded, although they could also have conflicting interests. Although NGO are mostly not for profit, they still could have close to commercial “interests” or other interests that are not in the public interest related to the subject of the work performed by EFSA. The same would hold for governments, maybe even more so. Putting so much emphasis on the private sector in the general text or in some of the highlights (i.e. in the text box between 282 and 283 only food industry is mentioned and even in bold!).</p>
92.	Zwietering Marcel (Wageningen University)	3.2	<p>Line 285: Consultancies with food industry resulting in a two year cooling off period could preclude very relevant expertise. This could unnecessarily impede the scientific quality of an EFSA opinion. This should be better done following a risk based approach (line 83) or in another way that qualifies the expertise provided during consultancy. If expertise during consultancy is very specific on for example biological mechanisms, emerging risks, or statistical aspects, why would the best experts that are also advising the industry not be suitable for EFSA anymore? Moreover, would it be in the public interest that such experts would not be advising food industry on such important and complex food safety matters and just leave it up to the industry to deal with them without solid advice?</p> <p>Certainly, many of the medium and small size industries but also quite some large industries would not have the in house resources. By considering any “consultancies with food industry” to be compromising an expert’s independency, EFSA seems to be forcing experts not to provide food business operators support when they request it to responsibly manage food safety. In effect, the best experts have to choose either for EFSA engagement or for industry engagement so always one of the public-private stakeholder loses. Especially in those expertise areas where few highly experienced experts are available, this situation will result in either stakeholder having to work with less qualified or experienced experts and also result in a less broad view and reduced exchange between various experts.</p>

			As mentioned, a risk based or other qualified approach should be considered based on the actual scope and area of expertise provided to the food industry. Without such an approach, all the experts are convicted of “undue external influence” by default while this is clearly not necessary always the case. To deploy an approach of “conviction without prove” is ethically unjust and should not be in the interest of an important public body as EFSA.
93.	SAFE - Safe Food Advocacy Europe	3.2	line 265-292: SAFE in line with the European Parliament’s repeated requests on the matter, thinks that the cooling-off period should apply to “all material interests related to the companies whose products are assessed by the Authority and to any organizations funded by them”. This cooling-off period should be of five years, and applied without exception.
94.	Turnes Claude (MEP - The Greens/EFA)	3.2	<p>The cooling-off period should be strengthened and apply to “all material interests related to companies whose products are assessed by the Authority and to any organisations funded by them”. This would also address the issue of possible conflicts of interest through third-party funding of organisations employing the expert. In addition, a cooling-off period of five years seems more effective.</p> <p>Line 273: replace “on certain activities” by “on all material interests related to the companies whose products are assessed by the Authority and to any organisations funded by them”</p> <p>Line 281: replace “two years” by “five years” (do so consistently throughout the whole document).</p>
95.	Testbiotech	3.2	<p>Cooling off periods - An effective way of preventing conflicts of interest:</p> <p>Activities in the past, especially if they show a degree of continuity, can be highly relevant for the assessment of potential COIs, even if those activities were discontinued at the time when the expert became actively involved at the EFSA.</p> <p>In consequence, activities that were ended before an expert became actively involved at EFSA, should not be set aside without further assessment. This assessment should not only take into account if an expert has worked as a self-employed professional or as an employee for a legal entity pursuing private or commercial interests in EFSA’s sphere.</p> <p>In general, the obligation for experts to declare all interests that are within the range of EFSA’s activities, should also apply to the criteria to establish a cooling-off period, which should not be restricted to specific activities. A cooling off periods of two years should be established for both directions and for expert groups as well as for staff members. This period should apply to all material interests related to the commercial agri-food sector, including research funding, consultancy contracts or membership in industry-captured organisations.</p>
96.	R.I.S.K Consultancy	3.2	<p>Not only do monetary and other emotional ties need to be cooled off for longer (say, 5 years), but I fail to see the ethics rationale for requiring that only of material interests involved in the decision EFSA is making.</p> <p>This loophole is easy for moneyed corporations to get around; whereas applying it to parties with material interest in a broad area around the topic at issue, would be effective in preventing these biases.</p> <p>A further issue in funding of scientific research. That is a material interest.</p> <p>Otherwise, in general, I am glad to see EFSA continuing to tighten its finCoI policies.</p>
97.	Lynn Boylan	3.2	It is my opinion that the credibility of EFSA has been seriously compromised by the failure to implement a robust independence policy. This,

	(MEP - Confederal Group of the European United Left - Nordic Green Left)		<p>therefore, is a crucial moment for EFSA to finally act upon the recommendations of the European Parliament and ensure an independence policy that is watertight and unquestionably free of loopholes.</p> <p>In particular, my concern lies in Section 3 - a risk based-approach to prevent the occurrence of conflicts of interest.</p> <p>Every year since 2014, the European Parliament has made demands of EFSA to "incorporate into its new independence policy a two-year cooling-off period for all material interests related to the companies whose products are assessed by the Authority and to any organisation funded by them." This is to ensure a cooling-off period that is across the board and has no exceptions.</p> <p>Restricting cooling-off periods to managerial, employment and consultancy activities undertaken by experts in the food industry falls short of what the Parliament has repeatedly called for. The Parliament also stressed that the draft independence policy fails to include conflict of interest assessments in relation to research funding. This is not in the list of interests to be covered by the two-year cooling-off period, whereas it is clearly a potential source of conflicts of interest.</p> <p>The revolving doors of EFSA are no secret. In 2009, Suzy Renckens had moved from the GMO unit in EFSA directly to a position in a GMO company. In 2012, Diána Bánáti led a position at the International Life Sciences Institute while simultaneously holding the position of chair of the EFSA Management Board. More recently, in January 2016 Barbara Gallani was appointed EFSA communications director, after having served as chief scientist at the Food and Drink Federation – a UK food industry lobby group. It is high time that EFSA cut all ties with the food industry and adhere to a system that ensures real independence an incorporating a cooling-off period across the board. I trust that you will take these comments on board and make the necessary changes to the draft independence policy.</p>
98.	EuropaBio	3.3	Lines 299-307: We would like to highlight that many of the Authority's outputs are risk assessments and in order to have the best professionals for carrying and preparing these opinions, risk assessment skills should be as important as scientific expertise.
99.	EuropaBio	3.3	Lines 327-332: When a national expert is taking part in EFSA's activities, certain types of his/her professional involvement with the national research institutes or universities might also raise concerns over their independence. Requests of a member of the Scientific Panel or Committee to run additional studies or to adopt new methodologies if the member is involved in a research work on the same topic on national level should be viewed as a conflict of interest. For this reason, the Authority should consider enforcing cooling off periods on certain activities and additional safeguards should be put in place.
100.	BEUC	3.3	<p>Considering that EFSA will increasingly share the work with national authorities we consider important to ensure that also Member States have equally strict and adequate procedures in place to guarantee their independence.</p> <p>Finally, we urge the European Commission to develop a comprehensive EU regulatory framework dedicated to conflict of interest. It is important to provide specific guidelines and to ensure comparable minimum requirements on independence and transparency applicable to all EU agencies.</p> <p>In the meantime, we encourage EFSA to foster cooperation and exchange with the other EU Agencies such as the European Medicines Agency and the European Chemical Agency to ensure a more consistent approach towards conflict of interest.</p>
101.	Aecosan	3.3	Lines 323-328: It should be made very clear that is the appointing authority the responsible to ensure the independence, and provide tools or harmonization to do it. Above all when an organization is appointed (as in networks) not an individual.
102.	CEO	3.3	The approach described here, delegating to Member States organisations the responsibility to ensure their experts' independence, is

			<p>politically understandable (need to avoid entering into conflicts with these institutions) but will prove self-defeating in practice, because there is a huge discrepancy among national agencies. For instance, the German BfR allows industry employees on its scientific panels while the French ANSES clearly bans them. EFSA should not pay the price of national institutions' weaknesses, as is too often the case in the EU.</p> <p>Also, this means that EFSA basically gives up making sure its work is independent from governmental and political interference. This cannot be a good idea.</p> <p>Therefore, we urge EFSA to request that Member States representatives fill a DOI, that this DOI is always published (this is not currently the case) and that these experts respect EFSA's independence policy.</p>
103.	Greenpeace	3.3	<p>Under this heading, EFSA should outline how it identifies those organisations it wants to cooperate with and those organisations that it does not want to cooperate with.</p> <p>The draft policy describes the organisations it wants to work with as "bodies subject to public control or funding and pursuing public interest objectives". It is unclear who "public control" means in this context. However, public funding appears to be a useful criterion. EFSA applies it already to its selection of Food Safety Organisations.</p> <p>However, the draft policy does not set out any criteria for organisations that EFSA does not want to work with. EFSA has acknowledged that the International Life Science Institute (ILSI) is an organisation "representing interests of the food chain, other than public interests". EFSA has also stated that it aims to "exclude the involvement of scientific experts participating in scientific work related to services provided to products, their development and/or assessment methods carried out on behalf of trade associations or other bodies with an interest in this subject matter, such as ILSI". However, the criteria for what constitutes such "scientific work" remain unclear.</p> <p>One way to identify whether cooperation with a particular organisation is desirable is to look at its funding sources. Organisations that are mainly funded by industry are likely to engage in the kind of "scientific work" described above, which EFSA experts should not be involved in.</p>
104.	Greenpeace	3.3	<p>Members of EFSA staff: EFSA's draft policy aims to prevent conflicts of interest of panel members and members of EFSA's Management Board. However, EFSA should also reconsider the way it deals with conflicts of interest of EFSA staff. Whilst no attempt has been made to quantify such conflicts of interest, a number of cases have surfaced demonstrating the need for tighter controls.</p> <p>This includes cases of revolving doors, such as a former head of EFSA's GMO unit moving straight to GMO producer Syngenta^{viii}, or a former director of a food industry lobby group moving straight into a position as EFSA head of communications.^{ix} In another case, an EFSA staff member has been found to hold a decision-making function in an industry-funded group, the International Society for Biosafety Research (ISBR). This employee of EFSA's GMO unit chairs the ISBR's Program Committee for the biennial International Symposium on the Biosafety of Genetically Modified Organisms.</p>
105.	Testbiotech	3.3	<p>Cooperation with national and international authorities, universities or research institutes: Current EFSA standards are based on a set of categories that are not very well defined. For example, "other membership or affiliation or other relevant interest, including professional organisations, regarding the relevant matter might be "allowed or not allowed" without defining clear objectives or criteria.</p> <p>To improve the situation, EFSA should publish its list of the "Food Safety Organisations" with whom their experts can cooperate without triggering a COI.</p>

			Further, EFSA should establish a list of other organisations actively engaged in these sectors, irrespective of whether these organisations are advisory, academic, or purely commercial. EFSA should qualify the role and describe the possible impact of these organisations on the work of EFSA. Staff members and experts need to organise contacts accordingly. This list should encompass, at the very least, all organisations in which EFSA experts are actively involved (membership, participation in workshops, presentations).
106.	Bfr	3.4	Line 358/359: Should read "the expert and its research team"
107.	buglife	3.4	Lines 356-359: Stating that only direct funding from the private sector will be taken into account surely opens the door for indirect funding. There are now many institutes and trusts around the world that act as clearing houses for industry money. I think EFSA has to be clear that this can constitute a clear conflict of interest, has to be declared and is, in specified circumstances, unacceptable.
108.	buglife	3.4	Line 357: Is 25% alone a sufficient safeguard, surely anyone receiving more than £100,000 a year from regulated industry would be subject to reasonable suspicion of conflict of interest, regardless of the amount of money they receive from other sources? Perhaps this could be expressed as a percentage and an absolute figure?
109.	buglife	3.4	Looking at the declarations of interest, some EFSA experts appear to have extensive industry associated research activity, but its scale is not transparent. It would be an improvement if the individual had to declare publicly on the form how much money they received for each industry related project and over what time scale.
110.	EuropaBio	3.4	Lines 353-363: It is unclear if NGO funded research (and where the NGOs are funded by EU grants and support) will be treated in the same way as research that is funded by industry.
111.	BEUC	3.4	<p>It is urgent to restore consumer trust and put in place all the necessary measures to protect the scientific decision-making from undue financial or other interests. In this context BEUC welcomes EFSA's commitment to continuous review and improvement of its handling of conflicts of interests and the opportunity to comment on the draft independence policy submitted for public consultation.</p> <p>Unlike some other risk assessment bodies, EFSA relies heavily on external expertise from academia or research organisations (50 % of the experts) and national risk assessment bodies to generate its scientific advice. According to Eurobarometer (2010), 74% of EU consumers trust scientific experts and 64% trust national agencies and EFSA as sources of information on food-related risks. However, 41% of those polled have little confidence in the independence of scientists because of the work they do with industry. And they are right because most research is industry funded which makes it nearly impossible finding an expert who is not involved to varying degrees in projects funded by, or involving, industry. Unfortunately, the increasing constraints on public finances can only make things worse.</p> <p>The EU Ombudsman too stressed that universities are developing closer ties with industry and becoming commercial entities in research production and commercialisation of results.</p> <p>As a result, EFSA can no longer assume that universities are independent when choosing members of its expert panels.</p> <p>Provided that this issue cannot be solved by EFSA, the main challenge for the Agency is to find the right balance between ensuring the impartiality and independence of experts involved in its work versus the need to secure the best possible expertise to deliver top-quality scientific assessments.</p>

			<p>Also the Court of Auditors, in its report on the management of conflict of interests in EU agencies (2012), recognised that this is often the case in highly specialised organisations, "where expertise is in limited supply and industry 'competes' for the same experts".</p> <p>In this context, even a lower threshold would have been desirable, we consider satisfactory that for actors contributing to its operations, the acceptable level of research directly funded by the private sector is limited to 25%.</p>
112.	Aecosan	3.4	<p>Lines 359-363: it should be clarify that national research funding is also excluded. And provide a way to verify it.</p>
113.	CEO	3.4	<p>Lines 346-351: Yes, but the purpose of research PPPs, including those encouraged by EU policies, is mainly product development and innovation, not risk assessment (and existing cases of EU-funded PPPs in this domain are problematic). EFSA's core business being the risk assessment of industry products, PPPs cannot be considered in the same way here. Since EFSA suffers from policy choices made by DG Research and national research administrations which narrow the pool of available expertise, it should not take these policies as granted but point at the fact that, precisely, they do undermine its work and should be changed to at least stop endangering the agency' operational needs.</p> <p>Line 353: As explained above, what EFSA proposes here is not "in line with EU wide approach to research funding".</p> <p>Line 356: suggestion for addition: "research directly or indirectly funded by the private sector" to take into account funding coming from organisations representing industry interests. The more general wording used in the textbox ("Research funding from the private sector benefiting EFSA's experts...") is better from that perspective.</p>
114.	CEO	3.4	<p>Line 357, "25% of the total budget": As stated above, 25% is too high and the proportion approach is not good for individual experts. What should be disclosed is both the proportion and the amounts, with a ceiling of 10.000€/year, and if need be the amounts should be declared in 2000€ brackets.</p>
115.	CEO	3.4	<p>Line 357, "of the expert's research's team": using the level of the "research team" for disclosure is good but risks leaving out important details if used alone.</p> <p>We suggest keeping the existing approach of looking at the funds « directly managed by the expert » and to introduce, in line with the European Ombudsman's recommendations and EFSA's draft, an additional disclosure of the funding sources (with corresponding amounts) of the expert's research "team".</p> <p>Line 359, "for the sector of relevance": Again, this unduly narrows the scope of the assessment and should be removed. For instance, an expert whose research would be funded at 90% by Bayer would still be allowed on the NDA panel with such a restriction.</p> <p>Lines 359-353: "Private contributions to projects funded by public actors, such as those financed under EU Framework Programme 71 or Horizon 2020, do not count for this purpose":</p> <p>This exclusion, as currently worded, removes all public-private partnerships from the scope of the assessment. This cannot be a serious policy: many PPPs, including EU-funded ones, are largely driven by the funding and research priorities of companies whose products are evaluated by EFSA. Assessing PPPs from an independence perspective is not easy and needs to be done mainly on a case-by case basis, but this shouldn't be a reason to remove all of them.</p> <p>We suggest that research PPPs are assessed according to the following criteria:</p> <ul style="list-style-type: none"> - the quality of the information disclosed, in particular the respective financial contributions of the parties and the identity of the project leader (this is the case for most EU-funded PPP research projects but more rarely for the others)

			<ul style="list-style-type: none"> - whenever the project leader of a research PPP is a company whose products are evaluated by EFSA (or an organisation funded by such a company), being involved in this PPP should not be allowed for an external expert at EFSA. - a low maximum threshold, such as 20%, for industry's contribution should be defined by EFSA.
116.	Greenpeace	3.4	<p>Research funding from industry: EFSA allows experts to receive research funding from industry as long as the sum does not exceed a quarter of their team's annual budget. If the industry funding is channelled through an EU project even this high ceiling does not apply.</p> <p>Recommendation: EFSA experts should not be involved in any research or consultancy for industry. They should also not come from organisations whose funding largely depends on interactions with industry. The mindset of organisations that compete to attract industry funding is incompatible with EFSA's mission to protect human and animal health and the environment.</p> <p>The proposed ceiling of 25 percent research funding from industry is too high. The proposed rule that even more industry funding should be allowed when it reaches the expert or his team through an EU project is not acceptable.</p> <p>EFSA experts should not receive any funding from industry. They should also not come from organisations which significantly rely on industry funding. The mindset of organisations competing to attract industry funding is incompatible with EFSA's mission to protect public health and the environment.</p>
117.	Turnes Claude (MEP - The Greens/EFA)	3.4	<p>Considering funding, it should be included within the cooling-off period with its scope of application explained in 3.2. To be precise, receiving funding (including research funding) from companies (or third-party organisation funded by them) whose products are assessed by the Authority should be recognised as a clear conflict of interest.</p> <p>Line 344: delete "EU-wide policies and policy papers encourage private-public partnership and collaboration."</p> <p>Line 349: replace "the importance of close cooperation between these two spheres" by "its responsibility in terms of being able to assess research independently and without being compromised by research funding from companies or third parties whose products are assessed."</p> <p>Lines 353 to 364: these lines do not guarantee preventing conflicts of interest</p>
118.	Testbiotech	3.4	<p>Managing conflicting interest in research funding. A balanced approach: It has to be made explicit that avoidance of COIs cannot be dealt with simply as an essentially formal exercise. For example, it is not sufficient to only rely on defined thresholds for industry funding of individual experts, since there are ways for industry to avoid such thresholds and to establish its influence by other means.</p> <p>Anyway, for research funding, a threshold of 25 % is a very high threshold. We suggest applying a maximum of 10 %. In addition, as long as the expert is actively engaged at EFSA, he or she should not receive any research funding from regulated industries.</p>
119.	RIVM	3.4	<p>EFSA COI line 352: In line with the EU approach to research funding, EFSA considers that for actors contributing to its operations, the acceptable level of research directly funded by the private sector is 25% of the total budget of the expert's research team, for the sector of relevance. Private contributions to projects funded by public actors, such as those financed under EU Framework Program 7 or Horizon 2020, do not count for this purpose.</p> <p>5. If the 25% rule is based on the perception that EU funded projects requires 25% cofunding, please check the EU funding rules. For many organizations cofunding rate under H2020 is higher than 25% because the funding rules changed from KP7 to H2020.</p>

			<p>6. What if the co-funding for an EU project is coming from companies that EFSA helps to regulate, will the zero tolerance set by EFSA in line 243 be overruled. An important criterion for EU funding is that it should boost innovation in the private sector, for food safety it quite often requires interaction with companies that EFSA helps to regulate.</p> <p>7. How will the CoI affect the role of a coordinator of the EU project, in which a company that EFSA helps to regulate is participating. Will EFSA then only judge the experts working for this company (or receiving co-funding from this company) or will it also affect the image of the coordinator working with these experts?</p>
120.	CEO	4	<p>General comments on transparency</p> <p>DoIs are still not filled consistently. Amounts are missing, and very often, in particular for research funding, the nature of the work being funded is not detailed. This should be made systematically. It should be made sure that the identity and interests of national experts contributing to EFSA's work, in particular on pesticides, are also published. This is currently not the case.</p> <p>EFSA should commit to publish the results of its assessment of DOIs (focussing on the organisations assessed more than the experts themselves). This would make its independence policy easier to understand for all (in particular for applying experts), as well as be very useful for other food safety agencies and the media.</p> <p>Line 394: The names of the experts undergoing a breach of trust procedure should be published. This is currently not the case.</p> <p>Line 406 (Management Board): Such a register is good, but will make more sense once Board members are covered by EFSA's independence policy at the same level as the rest of its staff and experts. This is currently not the case, and explains why employees of industry-funded organisations are allowed to sit on the Management Board (with a voting power over such important decisions as EFSA's Independence policy...). Of course, since EFSA's Board Members are appointed by Member States after a proposal from the European Commission, this is beyond EFSA's power to change alone and should be taken on board by the Commission when it selects potential candidates to the Board.</p>
121.	Greenpeace	4	<p>In addition to ADoIs and information about independence-related activities, EFSA should also publish its criteria for organisations which EFSA experts should not engage with, in a similar way that it has published its criteria for organisations which EFSA experts are welcome to engage with (Food Safety Organisations, FSOs).</p> <p>EFSA should also publish the list of these organisations, in a similar way in which it publishes the list of FSOs, or Article 36 organisations (s. comments on Section 3.3).</p>
122.	SAFE - Safe Food Advocacy Europe	4	<p>Line 377- 387: Currently the identity and interests of national experts that contribute to EFSA's work are not disclosed. Especially for activities regarding pesticides, SAFE would like to see this kind of information available for consultation.</p>
123.	Turnes Claude (MEP - The Greens/EFA)	4	<p>Include the obligation for EFSA to publish the information which studies they use to make their assessment. This increases transparency as scientists and the general public will be able to understand on what basis the assessment was made</p>
124.	Coldiretti	5	<p>We feel that a clearer definition of the instruments used and terms of reference should be made public to make less arbitrary the course of</p>

			<p>action to follow in case of violations and infringement of the specific independence rules.</p> <p>While a step-wise approach (from less to more coercitive actions) could be reasonable, the fundamental goal should be to preserve the independence and perception of independence of the Authority.</p>
125.	BEUC	5	<p>EFSA opinions can be challenged only on their merits and on scientific ground but should be “bulletproof” from a procedural point of view. While science is constantly evolving and the review of certain opinions is often necessary because of new available evidence, the review of adopted scientific opinions due to conflict of interests’ damage EFSA’s reputation. Each challenged opinion questions all the other EFSA opinions and the Agency’s credibility.</p>
126.	CEO	5	<p>Lines 418-423: How true. In 2013, we documented and published (in our “Unhappy Meal” report) multiple cases of panel chairs and vice-chairs being appointed in breach of EFSA’s own rules. No corrective action was ever undertaken, and several of the experts are still on EFSA’s panels today, sometimes in similar positions.</p> <p>Lines 425-439: It would be important that at least an idea of the nature of the sanctions discussed here are included in EFSA’s independence policy, and not all of them delegated to the implementing rules.</p> <p>It is important that there is transparency on EFSA’s decisions in this regard too in order for the public to see that the enforcement actually exists. Decisions should all be published.</p>
127.	SAFE - Safe Food Advocacy Europe	5	<p>line 432-439: SAFE encourages EFSA to explain in greater detail what these dissuasive measures would consist in, and which measures will be put in place for which type of “breach”. The draft text in general fails to mention sanctions in the case of CoI. It is important for stakeholders to know what EFSA’s experts (Scientific panels, working groups and Board members) face in case of CoI, in order to assess whether the measures are sufficiently deterring.</p>
128.	SAFOSO	Summary	<p>We welcome the proposed approach of EFSA for assuring independence and avoiding conflicts of interest. We hope that this will allow EFSA to engage with small and medium-sized enterprises (SME) more intensively. Such enterprises contribute significantly to food production and processing and can offer important input to EFSA work in terms of technical and practical knowledge.</p>
129.	buglife	Summary	<p>Thank you for the opportunity to comment on the draft EFSA policy on independence. In my view it starts well by correctly identifying the key risks to impartiality, but falls short on being sufficiently thorough in identifying strong, but less direct, conflicts of interests, and places too much emphasis on declaration as a solution, whereas the scientific evidence indicates that declaration alone can increase the influence of CoI on decisions.</p>
130.	buglife	Summary	<p>Finally and more generally, there are advantages to declarations of CoI, in particular it makes it less likely that people will accept new CoIs if they know this will be made public.</p> <p>However, declaration alone is definitely NOT a panacea, it usually means that the individual who has made the declaration is more willing to exaggerate evidence that supports their interest, and means that others are less likely to challenge their opinions – because doing so does not question their accuracy, but their integrity and people don’t want to do this.</p> <p>Therefore, preventing CoI affecting decisions also has to clearly address how these are managed in the panels and committees. I could not see anything in the draft that addressed this. Individuals with CoIs relevant to the decision at hand should be excluded from that decision to avoid the phenomena described in the scientific papers I have listed above.</p>
131.	EuropaBio	Summary	<p>General comment: We would support a process whereby there is a “balance check” of an expert group, once constituted. This should ensure that the expert groups have adequate expertise in the particular policy area. (e.g. public literature or relevant experience attributable to the</p>

132.	Greenpeace	Summary	<p>experts named in the group).</p> <p>Greenpeace is grateful for the opportunity to comment on EFSA's draft policy to prevent conflicts of interest. We believe that the draft policy, if enacted unchanged, will be insufficient to protect EFSA from undue influence from the agri-food industry. This is necessary however to enhance EFSA's credibility with EU decision-makers and the public, and to ensure that EFSA's scientific advice effectively helps to protect consumers, animals and the environment from food-related risks.</p> <p>Members of EFSA's expert panels: In 2013, Corporate Europe Observatory (CEO) found that more than half of EFSA's panel members had a conflict of interest due to direct and/ or indirect interests in commercial companies in the agriculture and food sector.ⁱⁱⁱ Still today, it is easy to find examples of experts who declare industry-related interests that cast doubt over their independence.</p> <p>□ A vice-chair of the pesticides panel is involved in a project that receives 50% funding from the pesticide industry's EU lobby group, ECPA. The project aims to "calibrate / validate" a risk assessment scheme proposed by the same panel. Just before joining EFSA, he worked on a project financed by CEFIC, the chemical industry lobby group.^{iv}</p> <p>□ A member of the pesticides panel completed a project funded by pesticide producer Syngenta whilst being on the EFSA panel. His organisation receives grants from chemical company Liphatech Inc. to develop biocides.</p> <p>□ A vice-chair of the biological hazards panel is a board member of the Danish Dairy Research Foundation, which is itself administered by the Danish farming and food industry lobby group.^v</p> <p>□ A member of the food contact material panel is an employee of the Fraunhofer Institute for Process Engineering and Packaging (IVV), a research organisation with many industry clients, partly through EU-funded projects. During the time on the panel, he continued to work on "small" projects for PlasticsEurope.^{vii}</p> <p>Media reporting:</p> <p>Whilst such conflicts of interest will usually go unnoticed, media will pick them up when looking into EFSA's role in EU decisions on controversial topics.</p> <p>When EFSA set up a working group on endocrine disrupting chemicals, French journal Le Monde worried that many of the selected experts could hold conflicts of interest.^{xi} The EFSA opinion effectively opened up prospects for setting 'safe' levels for endocrine disrupting pesticides, despite the fact that the EU bans such chemicals on the basis of their intrinsic properties.^{xii} The chemical industry had been lobbying for such a 'risk-based' approach. When the EC proposed a risk-based derogation from the EU ban on endocrine disrupting pesticides it justified its move based on the EFSA opinion.</p> <p>When EFSA evaluated Europe's most widely used herbicide, glyphosate, as "unlikely to be carcinogenic", German magazine Focus reported about EFSA's alleged ties with industry, citing investigations by Lobbycontrol, CEO and Testbiotech.^{xiii} The EFSA assessment clashed with the evaluation of the WHO's cancer research agency, IARC, and echoed Monsanto's reassurances that glyphosate cannot be a possible cause of cancer.</p> <p>When EFSA decided that nanoparticles of titanium dioxide (E171), a food additive present in foodstuffs such as sweets and biscuits, were safe for consumers,^{xiv} French television reported that many members of the relevant working group had participated in, and even co-organised, an ILSI symposium covering the topic.^{xv} The EFSA opinion clashed with research by the French National Institute for Agricultural Research (INRA), published shortly after the EFSA opinion, which showed up potential health risks.^{xvi}</p> <p>No excuse</p> <p>The main argument that EFSA advances against tighter rules is that it cannot find suitable scientific expertise if it is too strict on conflicts of interest. However, there is no evidence to show whether this is right or wrong. The concern, reiterated in a recent Deloitte report for EFSA, is based on EFSA's own perception: "Several interviewed EFSA staff members raised the concern that a continuation or even strengthening (in</p>
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			terms of level of rigidity of rules) of the current system can potentially diminish the number of available scientific experts in the future.” ^{xxii} However, as the European Ombudsman underlined in 2014, “It is particularly important for EFSA to have, and to be perceived as having, an irreproachable policy and practice as regards conflicts of interest, given its important societal role, namely food safety and protection of public health.” ⁱⁱ Greenpeace therefore urges EFSA to tighten its draft policy on conflicts of interest in line with the recommendations set out in this document.
133.	RIVM	Summary	Thanks for the opportunity to respond EFSA’s policy note. We endorse the statement that “the independence of its expert, methods and data from any undue external influence”. Also RIVM has independence of our experts as a key attribute of our workforce. We have to acknowledge however that information, expertise and consultation of stakeholders is essential for effectiveness of our daily work. Also participation in EU projects will often result in collaboration with industrial partners. RIVM has therefore a strict and transparent PPS policy procedure for collaboration of experts with possible CoI partners. We are happy to read that the EFSA policy on independence recognizes the need of collaboration with stakeholders. Since we have several questions (see below) we would like to discuss the CoI policy with EFSA in the near future and explain the RIVM position.

¹ Alberto Ramallo, Alexandra Riester, Alice Fabbri (University of Bologna), Alvaro J. de Regil, Ana Isabel Cansado, Andrea Moneti, Andreia Rossi, Angela Franke, Anita Agbedor, Anne-Sophie Lanier, Anthony Lamb, Antoine Daratos, Astrid Osterreicher, Axel Bazin, Bela Catherin Bruhn, Bernadette Didion, Camila Rivera, Carlos Garcia, Casper Ulsøe, Cesar Fernández González, Chantal Viala, Charlie Williams, Charlotte Rigolet, Chris Jones, Claire Robinson, Cornelia Zumkeller, D. Tscherner, Dan Faucher, Daniel Cauchi, David Maulat, David Packham (University of Bath), Diana Simpson, Diego Pedraza Lahoz, Dirk Walter, Doug Scott, Eduardo Zorrilla Artero, Elmar Römpczyk, Emily Stein, Eric Gall, Francisco Javier Zamora Cabot (Universitat Jaume I de Castellón), Frank van Muiden, Gautier Riberolles, Gemma Davies, Geoffrey Matthews, George Niedzwiedz, Giacomo Galardini, Greetje Witte-Rang, Guerrilla Foundation, Guillaume Besset, Guillaume Coudray, Hans Lammerant, Heiko Janssen, Hein Vrolijk, Helena Castillo, Helmut M. Selzer, Hendrik Bos, Hilmer van Veen, Iñaki Serraller Vizcaino, Inger Vedel, ITUC – International Trade Union Confederation, Jan Dunkhorst, Jannis Eicker, Jean-Claude Foulon, Jean-Marc Fobe, Jeannette N. Lindh, Joerg Schaefer, John Higgins, John Vandycke, Jose Angel Rodriguez, Jose Antonio Estevez Araujo, Jose M. Vega de Seoane, Jotanta Senele, Juan Serraller Ibañez, Julien Valteau, Jurriaan Prakke, Karen Dean, Karen Starr, Karl-Heinz Wilhelm, Katrin Ludwig, Kenneth Loakman, Kevin McSweeney (Plymouth University), Kim Wittenburg Kolbe, Klemens Pürmayr, Laura Etle, Liesbeth Sluiter, Linda Olinger, Liz Carlton, Lothar Hanisch, Luc Desmedt, Luc Schummer, Luca Laboli, Marcel van Bergen, Margarete Lazar, Maria Amelia Beltrami, Maria Jesus Casado Sanz, Marian Klokke, Mario Kök, Mark McGuill, Markus Engel, Marta Luengo, Martin Welch, Martina Miklesova, Matthieu Wozniak, Maxime Bercholz, Maximo Plo Seco, Michael Sayers, Michel Cordier, Michel Max, Mike Young, Mireira Crespo, Nicolas Kropff, Noé Lecocq, Nograze Group, Noora Heiska, Nora Onaindia, Norbert Muller, Ole Willers, Olga Kikou, Pall H Hannesson, Paola Ricca Mariani, Paolo Burato, Paul Wakeman, Paula Serraller, Pawel Ryczan, Peter van Eldik (Ergotory), Peter Wallström, Philipp Kiefel, Pierre Johnson, Pierre Rocher, Pietro Macchi, Preben Pedersen, Rich Walker, Rod Everett, Roger Brusatin, Ron Spellman, Rosemary Anne Mason, Rosi Steger, Ruth Polegek, Sara Azeem, Silvio Starosta, Simeon Gallu, Simone White, SocietalSystem, Steven Hermans, Susana Bonilla Matthews, Tjerk Dalhuisen, Tom van Hettema, Tony Ball, Ulrich Bröker, Valle Lopez-Tello, Vicky Cann, Wiger Fels, Wilfried Bergmann, William Catchpool, Wolfgang Blaas (Vienna University of Technology), Yiorgos Vassalos, ZERO – Associação Sistema Terrestre Sustentável,