



Draft policy on independence Addressing the input from the public consultation

Management Board meeting
21 June 2017

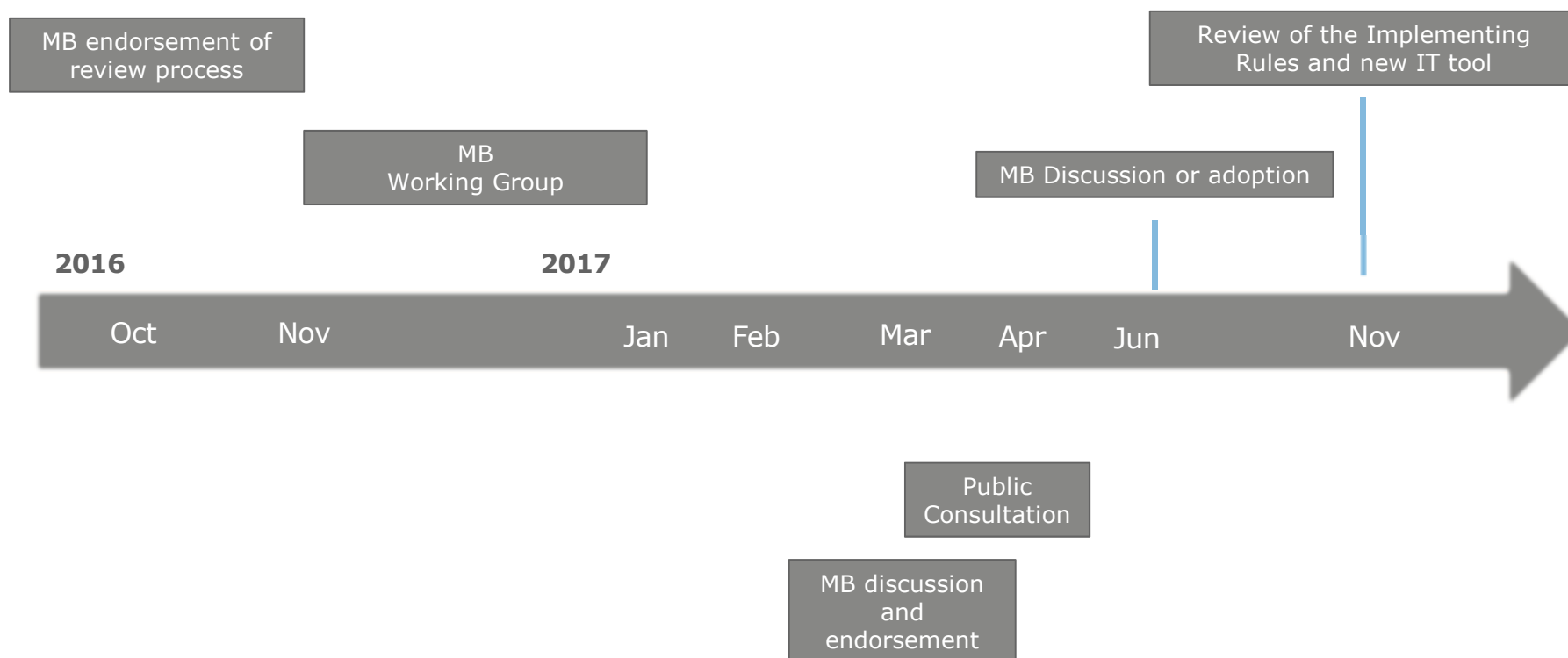
OUTLINE

Process

Input received

Proposed way forward

PROCESS



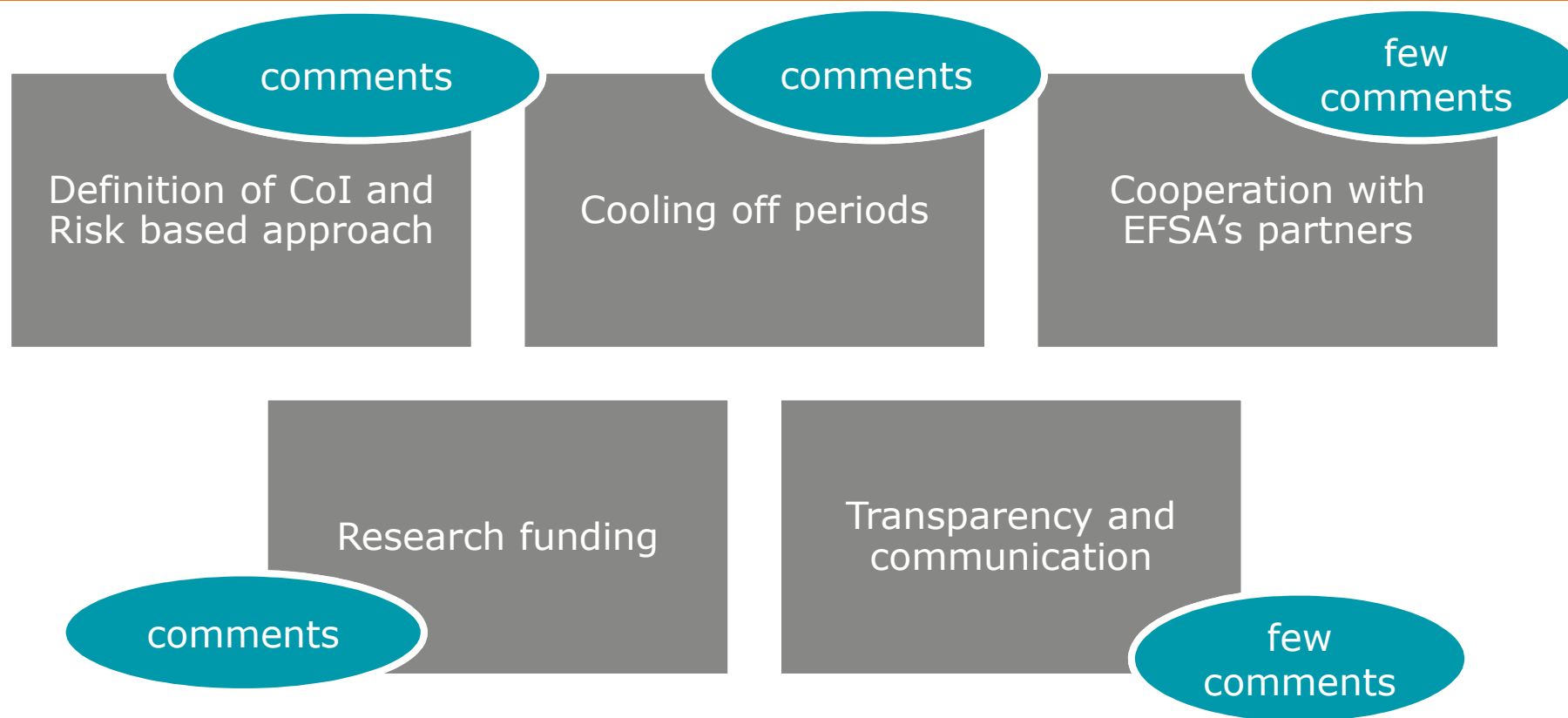
INPUT RECEIVED

Stakeholder category	No of contributors	No of comments
Consumer organisations	1	4
NGOs and advocacy groups	8	48
Business and food industry	6	26
Academia	7	9
Farmers and primary producers	1	4
Individuals	185	185
Institutional fellows	12	28
Total	219	303

INPUT RECEIVED – II – 2015 BUDGET DISCHARGE PROCEDURE

- experts with **financial interests** linked to companies whose substances are evaluated by the Authority should not be allowed to sit in EFSA's panels or working groups **before two years** after the interests have ceased;
- Calls on EFSA to incorporate into its new 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;
- regrets the Authority has not included **research funding** in the list of interests to be covered by the two-year cooling-off period;
- insists that the Authority **implements its independence policy consistently**, and in particular for panel chairs and vice-chairs;
- Calls on EFSA to **publish its list of Food Safety Organisations**, as well as the **outcome of its evaluations** of experts' interests

MAIN AREAS TACKLED BY COMMENTS



RISK BASED APPROACH

Definition of conflict of interest

“any situation where an individual has an interest that may compromise or be reasonably perceived as compromising his or her capacity to act independently and in the public interest in relation to the subject of the work performed at EFSA”

“Triangle of interests”

The Authority identifies CoIs related to activities that overlap with matters discussed in the relevant EFSA group(s) where the individual is serving or is expected to serve.

Remuneration

All actors to declare the proportion of their annual earnings originating from interests. This is made public and assessed by EFSA to determine whether conflicts of interest exist.

MAIN COMMENTS - I

- CEO: the **new definition** for a CoI should be: “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”.
- **Proposed line: reject** the proposal to maintain alignment with COM’s own definition of CoI

MAIN COMMENTS – II

- More than **200 comments (including MEPs)** asking EFSA to **broaden the scope** of its DoI screening to its entire remit.
- Both options, if implemented, would impact on scientific expertise
- Not considering EFSA's extremely broad competence and other risk management measures in place
- **Proposed line:** to **reject the request** as too impactful and as proposed approach already prevents CoIs in relevant area

FINANCIAL INTERESTS AND EMPLOYMENT BY INDUSTRY

Financial interest

If current, incompatible with EFSA activities

Employment by industry

If current, incompatible with scientific groups membership

No major
comments

COOLING OFF PERIODS

Having worked as a self-employed professional or as an employee for a legal entity pursuing private or commercial interests in EFSA's sphere is deemed **incompatible with membership** of the Scientific Committee, Scientific Panels and Working Groups **for two years** *after* the conflicting activity has ended.

This cooling off period applies to all **managerial roles, employment and consultancies, even of an occasional nature**, on matters falling under the mandate of the relevant EFSA scientific group. Irrespective of whether the legal entity is of a commercial nature or an association of activists pursuing a common interest or objective.

MAIN COMMENTS – I

- More than 200 comments (**MEPs and European Parliament in 2015 discharge decision included**) asking EFSA to extend the scope of the cooling off period to cover also **research funding** and **scientific advice**
- **Proposed line:** to **include scientific advice in the cooling off periods.**

MAIN COMMENTS – II

- Several comments supporting the extension of the forthcoming **cooling off period from two years to 5 years**
- If implemented, it would result in a loss of roughly double the current expertise lost with 2 years cooling off
- Ignoring other risk management measures in place (transparency, engagement, minority opinions and collegiality)
- **Proposed line:** to **reject the request**

COOPERATION WITH EFSA'S INSTITUTIONAL FELLOWS

Few
comments

- For employees of these organisations attending as members of **EFSA's Scientific Committee, Scientific Panels and Working Groups**
 - *Ex ante* clearance for activities part of public duties
 - Full fledged screening for anything else
 - Publication of DoIs
- For **representatives of Member States** and international public organisations
 - No screening and *ex ante* clearance for all interests; unless
 - EFSA is made aware of a CoI

MAIN COMMENTS

- **BEUC and CEO** recommends EFSA ensures also Member States have equally strict and adequate procedures in place to guarantee their experts' independence.

- **Proposed line:**
 - to **put in place MoUs** with Advisory Forum members and other institutional fellows to agree on basic independence standards or equivalent commitment

TRANSPARENCY AND COMMUNICATION

Already being done

- ADoI publication
- Annual reporting

New commitments

- A **register of activities** undertaken by former **members of its Management Board** for two years after their term of office has ended
- **Systematic creation of engagement opportunities** for interested parties to explain how it EFSA manages experts' interests and to address specific concerns

MAIN COMMENTS

- The **European Parliament (discharge decision) and CEO ask EFSA** to publish its list of “Food Safety Organisations”, as well as the **outcome of its evaluations** of experts’ interests.
- **Proposed line:**
 - confirmation of publication of FSO list
 - commitment to consider **feasibility** to look into the EP request on the **publication of the outcome** of each DoI evaluation
 - publication of decisions confirming breach of trust

CONCLUSIONS - ENDORSED BY THE WORKING GROUP

- No need to rediscuss the entire draft
- Commitment to put in place MoUs with AF members on minimum standards
- Broadening of cooling off period to scientific advice activities
- Commitment to conduct feasibility study on publication of individual DoI screening decisions
- Editorial adjustments