

LEGAL AFFAIRS SERVICES

92nd Meeting of the EFSA's Management Board Minutes of the Public Session

Parma, 6 October 2022 – 9:00-14:30

Management Board participants	
Aivars BĒRZIŅŠ (Chair)	Hendrik KUUSK
Pamela BYRNE (Vice-Chair) *	Dimitrios LADIKOS *
Pierre BASCOU	Pierdavide LECCHINI *
Ana BATALHA	Sanja MUSIĆ MILANOVIĆ
Alexandru Nicolae BOCIU *	Zuzana NOUZOVSKÁ *
Ingrid BORG	Szabolcs PASZTOR *
Claire BURY	Isabel PEÑA-REY
Floriana CIMMARUSTI	Josefine SINKOVITS
Herman DIRICKS	Darja SOKOLIĆ
Jernej DROFENIK *	Annica SOLHSTRÖM
Annelise FENGER	Mantas STAŠKEVIČIUS
Jindrich FIALKA	Katarzyna STOŚ
Xavier GABARRELL DURANY	Svetlana TCHERKEZOVA
Roger GENET	Astrid THORS
Ingunn Midttun GODAL	Annette TOFT
Sebastian HIELM	Marie-Luise TREBES
Patrick HAU	Ana Isabel VILORIA ALEBESQUE
Hrönn JÖRUNDSÓTTIR	Stelios YIANNOPOULOS
Janne Britt KRAKHELLEN	Antonis ZAMPELAS *

*Participation online

Staff of the European Food Safety Authority	
Bernhard URL (Executive Director) *	Barbara GALLANI
Gian Luca BONDURI	Nikolaus Georg KRIZ
Lucia BILARDI	Alberto SPAGNOLLI
Guilhem DE SEZE	Selomey YAMADJAKO
Dirk DETKEN	

Also attending:

Simon MORE, Chair of the EFSA Scientific Committee

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SUMMARY OF DECISIONS

The Management Board elected Aivars Bērziņš (Latvia) as Chair, and Pamela Byrne (Ireland) as Vice-Chair. Their office will last for two years, until October 2024.

The Management Board appointed the members of its new Audit Committee: Herman Diricks (Belgium), Pamela Byrne (Ireland), Patrick Hau (Luxembourg), Ana Batalha (Portugal), Isabel Peña-Rey (Spain), Astrid Thors (European Parliament), Claire Bury (Commission), Annette Toft (Farmers Organisations) and Janne Krakhellen (EFTA Surveillance Authority).

The Management Board **adopted:**

- The Rules of Procedure of the Management Board.
- The Code of Conduct of the Management Board.
- The Charter of the Management Board Audit Committee.
- The Implementing Rules laying down the rules on the selection, appointment and operations of the Scientific Committee, Scientific Panels and of their Working Groups.
- The establishment of a Scientific Network on Plant Pest Surveillance.
- The updated list of Art. 36 competent organisations designated by the Member States.

In addition, the Management Board **noted:**

- The second Performance Report of the year.
- The update from the Scientific Committee, provided by its Chair, Prof. Simon More.
- The information on the new Focal Point operational framework 2023-2027.

Item 1: Welcome by the Chair

1. Ms Claire Bury, Management Board Chair *ad interim* appointed by the Management Board on 1 September 2022, opened the 92nd Management Board meeting by welcoming the Board members, Executive Director, Chair of the Scientific Committee, EFSA's Management Team, EFSA staff present and external observers. The audio-file on this item is available online at [this link](#).

Item 2: Adoption of the agenda

2. The Management Board adopted the agenda of the meeting as it was proposed by the Chair. The audio-file on this item is available online at [this link](#).

Item 3: Board members' Annual and Oral Declarations of Interests

3. Pursuant to Article 13 of the Management Board Rules of Procedure (adopted on 6 October 2022), the Management Board took note of the Executive Director's assessment of the Declaration of Interest submitted by 65 of its members and confirmed it.
4. The audio-file on the presentation and discussion of this agenda item is available online at [this link](#).

Item 4: Rules of Procedure of the Management Board

5. On 1 September 2022, EFSA introduced to the Management Board the draft "Rules of Procedure of the EFSA Management Board" proposed by the Executive Director. Between 1 and 9 September 2022, the draft document remained available to the Management Board members for comments in writing. On 6 October 2022, EFSA submitted to the Management Board a revised version of the draft "Rules of Procedure of the Management Board" for possible adoption. Dirk Detken (Head of the Legal Affairs Services) highlighted the new elements in the updated version of that document against the version introduced to the Management Board on 1 September. A [Power Point presentation](#) is available online for a detailed description.
6. The Management Board agreed to add a 12th paragraph in Article 2 reading as follows: "*On a case-by-case basis, the Management Board may delegate tasks within its remit to the Chair or to the Vice-Chair, who can involve other Management Board members and or external experts in that task*".
7. Following discussion around the provision in Article 2(1) of the draft Rules of Procedure as concerns the eligibility for the position of Chair and Vice-Chair, the Management Board agreed to vote on the adoption of the document. 30 Management Board members voted in favour of the adoption of the Rules of Procedure, whilst 5 voted against.
8. Pursuant to Article 9(1) of the Management Board Rules of Procedure, the Management Board adopted its Rules of Procedure as proposed by the Executive Director and with the addition of paragraph 12 (reported above) under Article 2. The audio-file on the presentation and discussion of this agenda item is available online at [this link](#).
9. **Actions:**
 - o The Management Board Secretariat to organise the Masterfile with all meeting documents in order to make more evident the relation between the single documents and the respective agenda item.
 - o The Management Board Secretariat to provide the Management Board members with access to the individual files composing the Masterfile.

Item 5: Election of the Chair and of the Vice-Chair of the Management Board

10. The Management Board members expressed their vote online through the platform "Slido".

11. Dirk Detken described the procedure for the election of the Chair and of the Vice-Chair in accordance with the provisions in the Rules of Procedure, which the Management Board had just adopted.
12. The Management Board nominated Dirk Detken and Gian Luca Bonduri as tellers for the voting procedure.
13. The Management Board elected Aivars Bērziņš (Latvia) as the Chair and Pamela Byrne (Ireland) as the Vice-Chair. Details on the votes cast are provided in the annex below.
14. The Management Board congratulated Aivars Bērziņš and Pamela Byrne for their election. Ms Claire Bury handed the meeting chairmanship over to the newly elected Chair.
15. The audio-file on this agenda item is available online at [this link](#).

Item 6: Code of Conduct of the Management Board

16. On 1 September 2022, EFSA introduced to the Management Board the draft "Code of Conduct of the EFSA Management Board" proposed by the Executive Director. Between 1 and 9 September 2022, the draft document remained available to the Management Board members for comments in writing. On 6 October 2022, EFSA submitted to the Management Board a revised version of the draft "Code of Conduct of the Management Board" for possible adoption. Dirk Detken highlighted the new elements in the updated version of that document against the version introduced to the Management Board on 1 September. A [Power Point presentation](#) is available online for a detailed description.
17. The Management Board adopted its Code of Conduct as proposed by the Executive Director. The audio-file on the presentation and discussion of this agenda item is available online at [this link](#).
18. Upon invitation from the Chair, the Management Board Secretariat provided to the Management Board members who were attending the meeting in EFSA's premises with copy of the Code of Conduct, as well as of the Declaration of Commitment and of the Declaration of Confidentiality, for signature.
19. **Actions:**
 - The Management Board Secretariat to contact the concerned Management Board members and alternate members to reconsider their role in managing contractual relationships with EFSA.
 - The Management Board Secretariat to notify copy of the signed Code of Conduct to the Management Board members who were attending the meeting in EFSA's premises.
 - The Management Board Secretariat to provide the Management Board members and alternate members who were not attending or observing the meeting in EFSA with copy of the Code of Conduct, as well as of the Declaration of Commitment and of the Declaration of Confidentiality, for signature.

Item 7: Charter of the Audit Committee of the Management Board

20. Pursuant to Article 16(1) of the Management Board Rules of Procedure, Dirk Detken introduced the draft Charter of the Audit Committee of the Management Board. A [Power Point presentation](#) is available online for a detailed description.
21. The Management Board adopted the Charter of its Audit Committee as proposed by the Executive Director. The first sentence of Article 1, however, was reformulated as follows: "*Without prejudice to the accountability of the Management Board, the Audit Committee assists the Management Board by advising in areas of assurance, legality and regularity, quality and performance, health, safety, security and environment.*" The audio-file on the presentation and discussion of this agenda item is available online at [this link](#).

Item 8: Nomination of the members of the Audit Committee

22. Pursuant to Article 2(1) of the Charter of the Audit Committee of the Management Board, the Management Board appointed the members of the Audit Committee: Ana Batalha (Portugal), Pamela Byrne (Ireland), Claire Bury (Commission), Herman Diricks (Belgium), Patrick Hau (Luxembourg), Janne Krakhellen (EFTA Surveillance Authority), Isabel Peña-Rey (Spain), Astrid Thors (European Parliament), and Annette Toft (Farmers Organisations).
23. EFSA clarified that, pursuant to Article 2(2) of the Charter of the Audit Committee, Management Board alternate members may become members of the Audit Committee. These would participate physically to the meetings of the Audit Committee (meaning that EFSA would cover their travel, accommodation and subsistence expenditures) only when they deputise for their respective member at the Management Board meetings. Should this not be the case, they would take part in the meetings of the Audit Committee in virtual modality.
24. The audio-file on the presentation and discussion of this agenda item is available online at [this link](#).

Item 9: Decision laying down implementing rules on the selection, appointment and operations of the Scientific Committee, Scientific Panels and of their Working Groups

25. The Chair opened the agenda item informing the Management Board that Pamela Byrne could not be present for the adoption of the implementing rules and that she delegated Herman Diricks by proxy to express her vote.
26. On 1 September 2022, EFSA introduced to the Management Board the draft "Decision laying down implementing rules on the selection, appointment and operations of the Scientific Committee, Scientific Panels and of their Working Groups" proposed by the Executive Director. Between 1 and 9 September 2022, the draft document remained available to the Management Board members for comments in writing. On 6 October 2022, EFSA submitted to the Management Board a revised version of the draft decision for possible adoption. Nik Kriz (Head of Risk Assessment Services) highlighted the new elements in the updated version of that decision against the version introduced to the Management Board on 1 September. A [Power Point presentation](#) is available online for a detailed description.
27. The Management Board considered whether to add the gender balance among the criteria for selection and appointment of the scientific experts, which are described in Article 3 of the implementing rules. Following a thorough discussion, the Management Board agreed with the proposal from the EFSA Executive Director to include in Article 3 a paragraph reading as follows: "*Without prejudice to paragraphs 1 and 2, the Management Board shall endeavour to ensure that a gender balance is also achieved in the appointments.*" Looking at the renewal of the EFSA Scientific Committee and Scientific Panels in 2024, the Management Board and EFSA identified the objective to pursue a gender balance resulting in an overall representation of each gender of at least 40%.
28. EFSA clarified that guidelines on the appraisal of scientific experts will be developed.
29. The Management Board adopted the Decision laying down implementing rules on the selection, appointment and operations of the Scientific Committee, Scientific Panels and of their Working Groups. The audio-file on the presentation and discussion of this agenda item is available online at [this link](#).
30. **Action:** EFSA to provide the Management Board with information on the proportion of applications received from scientific experts of different gender in occasion of the last exercise for the renewal of the Scientific Committee and of the Scientific Panels.

Item 10: Establishment of a new EFSA Scientific Network on plant pest surveillance

31. The Chair opened the agenda item informing the Management Board that Pamela Byrne could not be present for the adoption of the decision on the establishment of the new Network and that she delegated Herman Diricks by proxy to express her vote.
32. Guilhem De Seze (Head of Risk Assessment Production) introduced the item. A [PowerPoint presentation](#) is available online for a detailed description.
33. The Management Board adopted the decision on the establishment of the Scientific Network on plant pest surveillance, which delegated the Head of the Plant Health and Pesticide Residues Unit to adopt the Network Terms of Reference. The Management Board invited EFSA to foresee in the Terms of Reference the possibility for Member States to appoint a single Network member and alternate member should these hold the scientific expertise needed to cover the entire remit of the Network. The audio-file on the presentation and discussion of this agenda item is available online at [this link](#).

Item 11: Amendments to the Article 36 list of organisations

34. The Chair opened the agenda item informing the Management Board that Pamela Byrne could not be present for the adoption of the amendments to the Article 36 list and that she delegated Herman Diricks by proxy to express her vote.
35. Barbara Gallani (Head of Communication and Partnership) introduced the item. A [PowerPoint presentation](#) is available online for a detailed description.
36. The Management Board adopted the amended list of Article 36 competent organisations designated by the Member States, which now includes 6 new organisations designated by Belgium (1), Portugal (1), Spain (1) and The Netherlands (3). The audio-file on the presentation and discussion of this agenda item is available online at [this link](#).

Item 12: EFSA Performance Report

37. EFSA's Management Team introduced to the Management Board the performance report covering the period from 1 January to 30 August 2022. The document, which implements the performance framework defined with the EFSA Strategy 2027, included information on all aspects of the EFSA performance against the Programming Document 2022-2024. A [PowerPoint presentation](#) is available online for a detailed description.
38. The Management Board noted the EFSA Performance Report. The audio-file on the presentation and discussion of this agenda item is available online at [this link](#).
39. **Actions:**
 - EFSA to provide clarification on the discrepancy noted with regard to the H-index of the EFSA Journal.
 - EFSA to notify to the Management Board the implementing rules laying down guidelines on whistleblowing.

Item 13: Update from the Scientific Committee

40. The Management Board noted the update from the Scientific Committee, provided by its Chair, Simon More, who provided an overview of the scientific activities that the Committee had implemented and will carry out in the coming future. A [PowerPoint presentation](#) is available online for a detailed description. The audio-file on the presentation and discussion of this agenda item is available online at [this link](#).

Item 14: New operational framework for the EFSA Focal Point Network

41. The Management Board noted the information provided by Barbara Gallani on the new Focal Point operational framework 2023-2027. The new framework aims to further strengthen the scientific collaboration between EFSA and the Member States. A [PowerPoint presentation](#) is available online for a detailed description. The audio-file on the presentation and discussion of this agenda item is available online at [this link](#).

Item 15: Any other business

42. No subject was addressed under this agenda item.

Summary of actions

Action reference	Action	Deadline	Status
Oct. 6, 2022 - 1	The Management Board Secretariat to organise the Masterfile with all meeting documents in order to make more evident the relation between the single documents and the respective agenda item.	As of the Dec. 2022's meeting	DONE
Oct. 6, 2022 - 2	The Management Board Secretariat to provide the Management Board members with access to the individual files composing the Masterfile.	As of the Dec. 2022's meeting	DONE
Oct. 6, 2022 - 3	The Management Board Secretariat to contact the concerned Management Board members and alternate members to reconsider their role in managing contractual relationships with EFSA.	ASAP	DONE
Oct. 6, 2022 - 4	The Management Board Secretariat to notify copy of the signed Code of Conduct to the Management Board members who were attending the meeting in EFSA.	ASAP	DONE
Oct. 6, 2022 - 5	The Management Board Secretariat to provide the Management Board members and alternate members who were not attending or observing the meeting in EFSA with copy of the Code of Conduct, as well as of the Declaration of Commitment and of the Declaration of Confidentiality, for signature.	ASAP	DONE
Oct. 6, 2022 - 6	EFSA to provide the Management Board with information on the proportion of applications received from scientific experts of different gender in occasion of the last exercise for the renewal of the Scientific Committee and of the Scientific Panels.	ASAP	DONE
Oct. 6, 2022 - 7	EFSA to provide the Management Board with clarifications on the discrepancy noted	ASAP	DONE

	with regard to the H-index of the EFSA Journal.		
Oct. 6, 2022 - 8	EFSA to notify to the Management Board the implementing rules laying down guidelines on whistleblowing.	ASAP	DONE

ANNEX

Election of the Management Board Chair and Vice-Chair: figures on the votes cast.

Election of the Management Board Chair – 1st Round

Prof. Aivars Bērziņš was the single candidate for the position.

	Votes cast
Aivars Bērziņš	31
Abstentions	4

Election of the Management Board Vice-Chair – 1st Round

Dr Pamela Byrne was the single candidate for the position.

	Votes cast
Pamela Byrne	33
Abstentions	2